

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIFTEEN

:PRESENT:

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP .NO:9853 of 2015

Between:

- 1 Mr. Sajid Ali S/o Mohd. Ali.
- 2 Mr. Amjed Ali S/o Mohd Ali.
- 3 Majid Ali S/o Mohd Ali.

..... Petitioners

AND

- 1 The Commissioner and Special Officer, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad.
- 2 The Special Deputy Collector, (LA) GHMC, Tankbund, Hyderabad.
- 3 The Chief City Planner, Greater Hyderabad Municipal Corporation, Hyderabad.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue an appropriate writ, order or direction, more preferably one in the nature of a Writ of Mandamus, declaring the inaction of the Respondents No. 1 to 3 in trying to acquire and demolish the remaining portion of the property of the petitioners bearing No.4-1-665, Mozamjahi Market, Jambagh Road, Hyderabad, which is apart from the property marked for acquisition as illegal, arbitrary and against the Principles of natural justice, and consequently, direct the Respondents to restrain from any such acquisition or demolition.

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The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and upon hearing the arguments of SRI AADESH VARMA Advocate for the Petitioner and of Sri R.Radha Krishna Reddy, learned Standing Counsel for GHMC, for Respondents, and the Court made the following.

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ORDER:

The grievance of the petitioners is that substantial portion of the petitioners' property bearing D.No.4-1-665, Ground floor, Mozamjahi Market, Jambagh X roads, Hyderabad was demolished by the respondent authorities leaving a 3 feet portion of the property for which compensation was paid by the respondent authorities. Now, the respondent authorities are trying to demolish the leaving part of 3 feet portion. Aggrieved by the same, the

present writ petition is filed.

Heard the learned counsel for the petitioners, who reiterated the contents of the writ affidavit. Sri R. Radhakrishna Reddy, learned standing counsel for the respondent Corporation states that the compensation was paid for the entire property including the 3 feet portion to the petitioners, but because of delay in road widening programme, the petitioners are doing their business in the said 3 feet portion.

In view of the same, no interim relief can be granted at this stage since it is stated that the compensation was already paid to the petitioners for the entire property.

Learned standing counsel for the respondent Corporation seeks time for filing counter.

Learned standing counsel is to produce a copy of the award.

Post after 10 days in the motion list.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Commissioner and Special Officer, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad.
- 2 The Special Deputy Collector, (LA) GHMC, Tankbund, Hyderabad.
- 3 The Chief City Planner, Greater Hyderabad Municipal Corporation, Hyderabad. (1 to 3 by RPAD)
- 4 One CC to SRI AADESH VARMA, Advocate (OPUC)
- 5 One spare copy.

SRL

HIGH COURT

ARRJ

DATED: 07.04.2015

NOTE: POST AFTER 10 DAYS IN THE MOTION LIST.

ORDER

W.P.NO. 9853 OF 2015

DIRECTION

HIGH COURT

Drafted by: SRL

Date of Drafting : 16.04.2015

ARRJ

DATED: 07.04.2015

NOTE: POST AFTER 10 DAYS IN THE MOTION LIST.

ORDER

W.P.NO. 9853 OF 2015

DIRECTION

