

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3386 OF 2015

ORDER :

This petition is filed for a writ of *Mandamus* declaring the action of the respondents in restraining the petitioner from carrying out construction over the 17 Sq.Ys. of his property bearing H.No.6-3-697/4 and 6-3-697/A/1, situated at Punjagutta, Hyderabad, as illegal and arbitrary.

The case of the petitioner is that he is the owner and possessor of H.No.6-3-697/4 and 6-3-697/A/1 in Survey No.174, comprising of 60 Sq.Ys., situated at Punjagutta, Hyderabad and the same is purchased by his father vide document No.3022 of 1977. The petitioner submits that the said property was gifted to him by his father vide gift deed dated 22.09.1998. It is stated that the said property is situated on the main road leading from Punjagutta to Ameerpet. While so, land acquisition proceedings were initiated for acquiring 47 sq. ys of the subject property for the purpose of road widening by the 3rd respondent and an award was also passed on 18.02.2009 wherein compensation award was passed in the favour of petitioner. Subsequently, on 09.02.2015, when the petitioner started making constructions in the remaining portion of the subject land i.e. 17 Sq.ys., the 3rd respondent, at the instigation of 4th respondent, is not allowing the petitioner to commence any construction. Aggrieved by the same present writ petition is filed.

Heard learned counsel for the petitioner and Sri C.Damodar Reddy, learned Standing Counsel for respondent Corporation.

It is not the case of the petitioner that he has obtained

permission or atleast made an application for construction in the remaining portion of the subject land which was alleged to left by the 3rd respondent after acquisition. As such, the prayer in the writ petition for making construction is misconceived and no relief can be granted. After acquisition, if any land is left, the petitioner can make an application for construction, before the competent authority and the competent authority may consider the same and pass appropriate orders according to law.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

18.02.2015
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