

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.35661 OF 2015

DATED:10-12-2015

Between:

Bhagwandas Karva
and others ... Petitioners

And

The State of Telangana,
Rep. by its Principal Secretary
Municipal Administration and
Urban Development Department
Secretariat
Hyderabad
and another ... Respondents

... Respondents

COUNSEL FOR THE PETITIONERS: Mr. Satyannarayana Murthy, for
Mr. S. Ravinder Reddy

COUNSEL FOR RESPONDENT NO.1: A.G.P. for Municipal Administration

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed with the grievance that respondent No.2 has not been paying compensation in respect of the petitioners' premises bearing H.Nos.2-3-57/11, 2-3-96, 12-3-36, 2-6-83/1, 2-6-84, 2-3-91, 92, 93 and 94, 2-3-96, 2-3-159, 2-3-88, 2-3-159, 2-3-140, 2-3-38, 2-3-136, 2-4-2/52, 2-3-87, 2-3-157, 176, 177, 2-6-58, 2-3-154, 155, 2-3-157, 2-3-166, 167, 2-3-97, 2-3-98, 2-4-37, 2-3-51, 2-3-169/1, 2-6-81, 2-3-87, 2-3-211, 212, 2-3-180, 182, 183, 1-5-74, 1-5-73, and 1-5-75, situated at Kaman Road, Karimnagar District, which were acquired for the purpose of widening road.

Though the case was adjourned on earlier occasion for filing counter affidavit, respondent No.2 has not filed counter affidavit. The petitioners averred that respondent No.2 has initiated the process of road widening to the extent of 80 feet in the Municipal Corporation area and a meeting was convened in this regard during which the petitioners and various owners of the properties have conveyed their no objection for widening of the road to the extent of 80 feet as per the Master Plan. When contrary to the said understanding, respondent No.2 has started demolishing the houses beyond 80 feet, some of the petitioners along with others have filed W.P. No.14220 of 2011 wherein this Court granted an interim direction to respondent No.2 not to demolish the structures of the petitioners for road widening beyond 80 feet. Thereafter, the petitioners have caused legal notices dt.08.10.2015, 12.10.2015 and 15.10.2015 on respondent No.2 for payment of compensation at the rate of Rs.12,000/- per Sq. yard.

The grievance of the petitioners is that having acquired the properties, compensation has not been paid. In the absence of any counter affidavit, the said plea of the petitioners deserves to be accepted. Having acquired the properties, respondent No.2 cannot avoid payment of compensation.

Therefore, respondent No.2 is directed to consider the petitioners'

request for payment of compensation. It shall hold negotiations with the petitioners and fix the compensation within two months from the date of receipt of this order. The decision so taken shall be communicated to the petitioners in writing within the said period. The petitioners shall be entitled to avail further legal remedies, if they feel aggrieved by the decision of respondent No.2.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.45816 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

10-12-2015

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