

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

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**WRIT PETITION No.38425 of 2015**

**BETWEEN**

Falcon's Resident Flat Owners Welfare Society and others.

**... PETITIONERS**

**AND**

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

**...RESPONDENTS**

DATE OF JUDGMENT PRONOUNCED: 30.11.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers may be No allowed to see the Judgments?
2. Whether the copies of judgment may be marked No to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to see the No fair copy of the Judgment?

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**ORDER:**

This writ petition is filed seeking to declare the action of respondents 4 and 5 in not following due process of law in acquiring the affected portion of petitioners' apartment admeasuring 52.29

sq. yards at Sarojini Devi Road, Humayun Nagar, Mehdiapatnam, Hyderabad for the purpose of road widening and not paying compensation as per the Central Act 30 of 2013, as arbitrary and illegal.

2. Heard Mr. N. Ashok Kumar, learned standing counsel for the Greater Hyderabad Municipal Corporation (GHMC), who, submits, on instructions, that the proposal is only at the negotiation stage and admittedly, the petitioners have been given notice dated 16.02.2015 informing the petitioners of the portion likely to be affected and requesting them to give consent in public interest.

3. I do not see any reason for the petitioners to approach this Court at this stage, as the petitioners have only been given a notice asking for consent, which is referable to Section 146 of the HMC Act. The said provision clearly envisages that the GHMC can acquire the property either by negotiation or under Section 147 of the Act wherein GHMC will have to follow the provisions of the Land Acquisition Act.

In view of the instructions of the learned standing counsel for GHMC, the stage, as to acquisition, has not yet reached. In the circumstances, as the GHMC is only at the stage of negotiations with the owners of the affected portion including the petitioners, it is entirely for

the petitioners to accept the said proposal of GHMC and if the same is not agreeable to the petitioners and the property of the petitioners is still required for public purpose, GHMC will have to follow the provisions of the Land Acquisition Act in terms of Section 147 of the HMC Act. Hence, at this stage, no cause of action, as such, arises for grant of relief, as prayed for.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

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VILAS V. AFZULPURKAR, J

November 30, 2015

DSK