

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.5940 of 2015

Date: 09-03-2015

Between:

Osman Ahmed

.. Petitioner

AND

The State of Telangana, represented by its
Principal Secretary, Revenue (Land Acquisition)
Secretariat, Hyderabad and 2 others

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.5940 of 2015

ORDER:

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This writ petition is filed for a mandamus declaring the action of the respondents in threatening to demolish the petitioner's premises bearing No.1-4-788/5, situated at Bakaram village, Musheerabad Mandal, Hyderabad District without acquiring the same and without following due process of law as illegal, arbitrary and violation of principles of natural justice.

2. The case of the petitioner is that the mother of the petitioner purchased shops bearing Municipal Nos.1-4-788/1, 2, 4 & 5 admeasuring 137.60 square yards situated at Bakaram village, Musheerabad Mandal, Hyderabad, through a registered sale deed bearing document No.3810 of 1996 and the petitioner, his brother and sisters succeeded to the said property after the death of their mother and the petitioner is in peaceful possession and enjoyment of the property allotted to his share in the partition executed

between him and his brother and sisters as an absolute owner. It is stated that the 1st respondent issued a notification under Section 4 (1) of the Land Acquisition Act, 1894 on 15-11-2013 for acquiring the land situated at Bakaram village, Musheerabad Mandal, Hyderabad for public purpose for road widening from Musheerabad Main Road to Bholkapur, Link opposite to Raja Deluxe Theatre, Hyderabad, and thereafter the 2nd respondent issued Form-3 notice dated 16-11-2013 under Section 5-A of the Land Acquisition Act, 1894. It is further stated that after passing the award, the 2nd respondent issued Form-9 notice under Section 12 (2) of the Act on 14-11-2014 and also Form-10 notice directing the petitioner to vacate and deliver possession with structures and no notice was issued to the petitioner with regard to the subject property. The respondent authorities, without following due process of law, are threatening to demolish the premises for road widening purpose. Aggrieved by the same, the present writ petition is filed.

3. Heard the learned counsel for the petitioner and Sri R. Radhakrishna Reddy, learned standing counsel for the respondent Corporation.

4. Learned standing counsel for the respondent Corporation stated on instructions that as on today the respondent authorities have not acquired the property of the petitioner and it is only with the apprehension of demolishing the property, the petitioner filed the writ petition. He further stated that as and when the property of the petitioner is required for road widening purpose, the respondent authorities would follow the due procedure as contemplated under the Land Acquisition Act, 1894 in acquiring the said property, but not otherwise.

5. In view of the assurance given by the learned standing

counsel for the respondent Corporation that the respondent authorities will not acquire the property of the petitioner without initiating the due process of law, the writ petition can be disposed of.

6. Accordingly, the writ petition is disposed of. However, in case the property of the petitioner is required for road widening purpose, the respondent authorities shall follow the due procedure as contemplated under the Land Acquisition Act, 1894. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAJASHEKER REDDY, J

Date: 09-03-2015

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