

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

WRIT PETITION No.32854 of 2015

-
10.12.2015

Between:

P.V.Narotham Reddy

.. Petitioner

and

The State of Telangana,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and another

.. Respondents

Counsel for the petitioner: Mr.R.Siva Sai Swaroop

Counsel for respondent No.1: Assistant Government Pleader for
Municipal Administration and Urban Development (TS)

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Counsel for respondent No.2: --

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The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of respondent No.2 Corporation in entering the petitioner's plot admeasuring 604.8 sq.yds. in survey Nos.322/AA, 324/AA and 325 of Kanteshwar Shivar, Ward No.11, Block No.1, situated at Kanteshwar area of Nizamabad Municipal Corporation, for laying CC drain channel without following due process of law, as illegal and arbitrary.

On 09.10.2015, this Court has placed on record the statement of the learned standing counsel for respondent No.2 Corporation that survey was conducted on the previous day and that negotiations are being taken up with the petitioner for laying the drain channel, and has accordingly, directed respondent No.2 Corporation not to take up further work until survey report is furnished to the petitioner and an opportunity is given to him.

At the hearing, Mr.T.Sujan Kumar, learned counsel for the petitioner, has stated that survey report has not been furnished to his client till today. Mr.V.Satyam Reddy, learned standing counsel for Municipal Corporations appearing for respondent No.2 Corporation, is not able to state before the Court as to whether survey report was furnished to the petitioner or not.

In my opinion, unless survey report is furnished to the petitioner and respondent No.2 Corporation ascertains therefrom whether the CC drain is being laid through the petitioner's plot or not, the said respondent cannot proceed with further construction. If the survey report reveals that the petitioner's plot will be affected, respondent No.2 Corporation cannot proceed with the work either without the consent of the petitioner or in its absence, without acquiring the land as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement

Act, 2013. In the event, the survey report reveals that the petitioner's land is not affected, respondent No.2 Corporation shall give a notice to the petitioner while enclosing a copy of survey report and after hearing him, he shall take an appropriate decision and communicate the same to the petitioner. Till this process is completed, respondent No.2 Corporation shall not lay the C.C. drain channel over the plot in question.

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.42409 of 2015 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

10th December, 2015
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