

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

**FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

TUESDAY, THE NINETH DAY OF JUNE TWO THOUSAND AND FIFTEEN

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

—

WRIT PETITION No.16021 of 2015

Between:

Shaik Mahamood, S/o. Late Mahaboob Ali,
Aged about: 54 years, Occ: Business,
R/o.1-2-223, Muslimpura,
XI Ward Metpally Municipality,
Karimnagar District.

.. Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary,
Municipal Administration,
Telangana Secretariat,
Hyderabad & 4 others

.. Respondents

so, the Metpally Municipality (4th respondent) issued notice, dated 23.08.2014, directing the petitioner to submit relevant documents in support of the ownership of the properties, which are coming in the way of construction of underground drainage. Three days time was granted to the petitioner for submission of relevant documents. On 18.09.2014, the petitioner submitted representation objecting the construction of drainage, but did not submit any documents as directed. Even before further action could be taken, the petitioner filed W.P.No.29105 of 2014.

2. Having regard to the statement made by the learned Standing Counsel representing the Municipality, the W.P.No.29105 of 2014 was disposed of granting liberty to the petitioner to file necessary documents solicited by the Municipality and as and when such documents are presented, by following the due process, the property would be taken possession of.

3. Even though this Court directed to submit the relevant documents in support of the claim of the petitioner on ownership of the subject property, till date the petitioner has not submitted relevant documents. Whereas, the petitioner rushed to this Court at this stage alleging that instead of giving due opportunity to him and without paying compensation, the 4th respondent Municipality has now taken up the work of digging to construct underground drainage and such action is illegal. No material is filed in support of the claim of the petitioner that in pursuant to the orders of this Court in W.P.No.29105 of 2014, relevant documents were presented before the Municipality, but the Municipality has not taken note of the said documents. The pleadings in the affidavit filed in support of the writ petition are silent on steps taken by the petitioner for filing relevant documents after the orders are passed by the Court.

4. However, the learned Standing Counsel fairly submits that even now if the petitioner submits relevant documents and establishes the ownership of the property, which is affected, the Municipality shall pay compensation as payable to private properties. But as the petitioner failed to file relevant documents as of now and it is necessary to complete the drainage work immediately, the work

cannot be stopped.

5. Having regard to the fact that the petitioner failed to produce the relevant documents in spite of the directions issued by this Court, it cannot be said that the Municipality erred in proceeding further. However, if the petitioner submits relevant documents in support of his claim of ownership, the Municipality shall consider the same and if the Municipality is satisfied regarding the ownership claim of petitioner, it shall pay appropriate compensation, as warranted by law. However, the respondent Municipality is at liberty to proceed with the proposed construction of underground drainage system and the petitioner shall not obstruct execution of work of construction of the drainage system.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 9th June, 2015

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