

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.13742 of 2013

ORDER:

The petitioner assails notification Nos.G3/756/2013 dated 26.02.2013 and G3/756/2013 dated 27.02.2013 as illegal and unconstitutional.

The case of petitioner is that through the impugned notifications issued under the Land Acquisition Act, 1894 the respondents are trying to lay water supply pipelines to carry the water from Godavari to Hyderabad.

The principal objection of the petitioner against the impugned notifications is that the alignment is fixed in such a way that if the pipeline work is implemented, the pipeline will not only pass through the median of petitioners house, but will vertically divide the house into two portions and the respondents, without properly appreciating the ground reality, have fixed the alignment. A few legal objections on the issue of 4(1) and 6 declarations are also stated.

The 4th respondent-Hyderabad Metropolitan Water Supply and Sewerage Board-Requisitioning Department has filed affidavit *inter alia* setting out that the cause in the writ petition does not survive for, on receipt of the representation from the petitioner, the Officers of 4th respondent have undertaken fresh field inspection and re-survey of the subject land and upon examining the feasibility, the alignment against the complaint made in the writ petition is changed. According to the changed alignment, the pipeline is on the boundary of petitioner's house or near the compound wall. The stand of 4th respondent which has bearing in the writ petition is as follows:

"I submit that after obtaining the status quo orders, the writ petitioner approached the petitioner Board with a request to change the alignment. Considering his request, a re-survey was conducted and alignment is changed and as per the changed alignment the pipeline will be laid at one edge of the petitioner's land. Having satisfied with the changed alignment, the writ petitioner has given no objection to lay a pipeline in his land. But, in view of the fact that the status-quo orders are in force, we are unable

to proceed with the work and the award could not be passed by the LAO fixing the compensation. As the alignment is changed as required by the writ petitioner and as he has given no objection for laying of pipeline in his land, the writ petition has become infructuous and accordingly it has to be dismissed.”

From the above, it is evident that the alignment is tenable and the petitioner has also consented to the new alignment.

By placing the stand on record, the writ petition is disposed of.
No order as to costs.

Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

S.V. BHATT, J

Date: 13.02.2015
KLP