

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.5580 of 2015

Date: 09-03-2015

Between:

M/s. Sree Lakshmi Balaji Automobiles, represented by
Its Proprietor, Hyderabad.

.. Petitioner

AND

The State of Telangana, represented by its
Principal Secretary, Municipal Administration,
Secretariat, Hyderabad and 3 others

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.5580 of 2015

ORDER:

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This writ petition is filed for a mandamus declaring the highhanded action of the respondents 2 and 3 in attempting to demolish the petitioner show room Suzuki Two Wheeler Sales and Service Show room, situated at 11-248/95, Ground floor, Sita Towers, Opp: Pantaloons, Shamlal Buildings, Begum, Hyderabad without following due process of law as illegal and arbitrary and for a consequential direction to the respondents to follow due process of law as per

the Land Acquisition Act.

2. The case of the petitioner is that the petitioner company is the tenant of the premises bearing No.11-248/5, Ground floor, Sita Towers, Opp: Pantaloons, Shamlal Buildings, Begum, Hyderabad having taken the same on lease from the land owners and established the show room by incurring huge amounts nearly Rs.70.00 lakhs and running the same by paying rents regularly. While so, on 03-03-2015 the officials of the respondents 3 and 4 came to the showroom and directed to vacate the premises immediately without issuing any prior notice, as they are going to demolish the building for the purpose of road widening for construction of Metro Rail project. It is also stated that it is impossible for the petitioner to shift the premises in a couple of days, which would take at least three to six months time to take another premises for establishing the business. Being aggrieved by the action of the respondents in attempting to demolish the show room without issuing any notice or without following due process of law, the present writ petition is filed.

Heard the learned counsel for the petitioner.

Smt. A. Deepthi, learned standing counsel for the respondent Corporation stated on instructions that notification for acquiring the premises were already issued in the year 2006-2007 and an award was also passed, pursuant to which, the acquisition of lands is being undertaken. She also stated that when once the award is passed, question of taking possession without due process of law does not arise. No rule or provision of law is brought before the court that even the tenants are entitled for a notice before acquiring properties when the award was passed. However, the petitioner can make appropriate application to the respondent Corporation for granting time for vacating the subject premises.

In view of facts and circumstances narrated above, the writ petition is disposed of directing the petitioner to make appropriate application to the concerned respondent authorities seeking to grant time for vacating the premises and on such application being made by the petitioner, the concerned authorities shall consider the same and pass appropriate orders thereon in accordance with law. 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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