

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.21973 of 2012

Date: 06-07-2015

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Between:

B. Lingaswamy

.... Petitioner

AND

The State of Telangana, represented by its
Principal Secretary to Panchayat Raj Department,
Hyderabad and 3 others

.... Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.21973 of 2012

ORDER:

This writ petition is filed for a mandamus declaring the notice vide letter No.024/RW/ACP/05/GHMC/2010, dated 31-12-2010 issued by the 2nd respondent as illegal and arbitrary and for a consequential direction to set aside the same.

2. The case of the petitioners is that they are absolute owners and possessors of premises bearing No.21-4-230/231 comprising ground plus two floors admeasuring 60.00 square yards situated at Bazar Koka, Kooche Soorat Moorat, Hussaini Alam, Hyderabad, having purchased the same through registered sale deed bearing document No.557/1999 dated 27-05-1999 and they are residing in the first floor. The respondent Corporation has taken up a road widening programme from Koka Ki Tati, Petla Burj Main road biz., Medas Hospital whereby the buildings four commercial mulgies, car parking and first floor is affected to an extent of 45.60 square yards in the beside the mosque side. It is stated that the respondent

Corporation has offered only structural compensation, but it is silent about payment of price of land and the respondents are contemplating to dispossess him without following due process of law for road widening. The petitioner was asked to give his consent on a proforma enclosed to the impugned notice and was orally asked by the 2nd respondent to sign it and to hand over vacant possession of his premises by 20-04-2012 as the road is sought to be laid on priority basis and the road widening programme is only to the benefit of Ex. Mayor of the Corporation. The impugned proceedings have been issued in contravention of Sections 146 and 147 of the Greater Hyderabad Municipal Corporation Act, 1955.

3. The respondent Corporation filed its counter stating, *inter alia*, that the road widening programme is done in the interest of public to avoid traffic congestion, but not to deprive the rights of the parties as alleged and that if the road widening is completed, the traffic problem from Koka Ki Tatti to Petlabuj Bridge can be avoided and if the petitioner fails to surrender the affected portion on mutual negotiations, then the respondent officials would initiate proceedings under Sections 146 and 147 of the Act for obtaining road widening portion by paying structural value and granting FSI relaxation and if the petitioners are not accepted any relaxations, necessary land value shall be paid as per mutual negotiation or follow the due process of law under Sections 147 of the Act.

4. Heard the learned counsel for the petitioners and the learned standing counsel for the respondent-Corporation.

5. Now it is to be seen that the only ground on which the writ petition is filed is that the issuance of impugned proceedings is in violation of Sections 146 and 147 of the Act. In the counter, it is stated that if the petitioners fail to surrender vacant portion in pursuance of mutual negotiations, the procedure under Sections 146 and 147 of the Greater Hyderabad Municipal Corporation Act,

1955 will be followed. Since it is stated that the respondent Corporation is taking action by initiating proceedings under Sections 146 and 147 of the Act, the respondent Corporation is directed to follow due procedure under Sections 146 and 147 of the Greater Hyderabad Municipal Corporation Act, 1955 and pay necessary compensation to the petitioners, if they do not wish to give consent for surrender of land. Till the proceedings under Sections 146 and 147 of the Act are initiated and completed, the petitioners shall not be dispossessed, if not already dispossessed.

With the above directions, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A. RAJASHEKER REDDY, J

Date: 06-07-2015

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