

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

WRIT APPEAL No.507 of 2015

Dt:05.06.2015

Between:

Maharani Emporium and another.

... Appellants

And

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Municipal Administration & Urban Development,
Secretariat, Hyderabad and others.

... Respondents

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WRIT APPEAL No.507 of 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the appellants.

This writ appeal is directed against the order, dated 09.10.2014, passed in W.P.No.30079 of 2014. The impugned order reads thus:

“Petitioners in this writ petition are tenants of urban properties and are aggrieved by the acquisition proceedings taken by the respondent Corporation relating to their tenanted premises.

Petitioners state that they are likely to be dispossessed at any moment. They further state that they have filed an application under Section 5-A of the Land Acquisition Act as early as on 21.10.2013 but no notice of any nature is stated to have been issued to any of the petitioners. The acquisition proceedings are, therefore, sought to be questioned by the petitioners on the ground of violation of principles of natural justice as well as violation of the provisions of the Land Acquisition Act.

I have heard learned counsel for the petitioners, learned Standing Counsel for the respondent Corporation, learned Government Pleader for Land Acquisition and learned counsel appearing for respondent No.5.

It is brought to the notice of this Court that the landlords of the petitioners have already questioned the very same acquisition proceedings in W.P.No.23632 of 2014, which is pending before this Court, however, there is no interim order passed therein. The said landlords are not parties to the present writ petition, though the learned counsel for the petitioners states that he has failed an appropriate application for their impleadment.

Mr.D.Madhava Rao, learned counsel for the petitioners,

has made submissions at length including placing reliance upon a decision of the Supreme Court in **Union of India Vs. Shiv Raj** (AIR 2014 SC 2242).

Prima facie, I am unable to see any locus for petitioners inasmuch as tenants of urban property, they cannot, in law, object to the land acquisition proceedings unlike tenants of agricultural lands, who are protected by appropriate agrarian protective legislations. The decision of the Supreme Court, referred to above, also deals with tenure holders of agricultural lands and as such, the same is distinguishable from the facts of the present case. **Hence, I am not inclined to grant interim relief as sought for.**

However, list this writ petition along with W.P.No.23632 of 2014. In the meanwhile, the petitioners are at liberty to make appropriate representation before respondent Nos.2 to 5 and if such a representation is made, respondent Nos.2 to 5 shall consider the same on its own merits in accordance with law.”

The interim relief sought for in the writ petition reads thus:

“Pending disposal of the writ petition it is prayed that this Hon’ble Court may be pleased to stay the dispossession of the petitioners property bearing Nos. 7-1-4, 5 and 6, 7-1-6/1, 7-1-6/1/2&3, 7-1-6/11, 7-1-6/12, 7-1-6/11/B, 7-1-6/11/1, 7-1-6/11/3&4 situated at Subhash Road, Secunderabad which falls within the SPG Church Complex in pursuance of proceedings No.C2/850 of 2013 and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

Learned counsel for the appellants fairly states that the appellants have already been dispossessed.

In view thereof, no relief as prayed for can be granted. When we so expressed, learned counsel for the appellants prays for withdrawal of this writ appeal with liberty to the appellants to file fresh miscellaneous petition in pending writ petition for appropriate relief in the light of the judgment of this Court in **Ushodaya Publications, Hyderabad Vs. Commissioner, Municipal Corporation of Hyderabad**

and another^[1].

Writ appeal is disposed of as withdrawn with liberty as prayed. While granting the liberty, we shall not be understood to have expressed any opinion on merits of the case.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Dt:05.06.2015
kdl

^[1] AIR 2001 AP 345