

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.2903 OF 2015

ORDER :

This petition is filed for a writ of *Mandamus* declaring the action of the respondents in dispossessing the petitioner from the shop bearing Municipal No.22-5-226, admeasuring 20 Sq.Ys and shop bearing Municipal No.22-5-227, admeasuring 20 sq. ys., situated at Kali Kaman Road, Gulzar Houz, Hyderabad, without following due process of law, as illegal and arbitrary.

The case of the petitioner is that he is the absolute owner and possessor of shop bearing Municipal No.22-5-226, admeasuring 20 sq.ys. and shop bearing Municipal No.22-5-227, admeasuring 20 sq.ys., situated at Kali Kaman Road, Gulzar Houz, Hyderabad, having purchased the same under registered sale deed vide document No.357/2008, dated 27.02.2008 and is in peaceful possession of the same. While so, in the last week of December, 2014, 2nd respondent visited petitioner's shops and informed the petitioner that his shops are under acquisition process. Immediately, the petitioner got issued legal notice to the 2nd respondent on 08.01.2015 through registered post. The petitioner further submits that he is ready to surrender his shops for the proposed acquisition, but, till today no notice is issued to him by the respondents for the purpose of acquiring his shops. He also submits that the Corporation has to follow the procedure prescribed under Section 146 and 147 of the HMC Act, before initiating any land acquisition proceedings. It is also stated that petitioner has also submitted representation dated 05.02.2015 requesting the 2nd respondent to follow due procedure as laid

down under Section 146 and 147 of the Act, before initiating action under Land Acquisition Proceedings in respect of his shops and also to follow the provisions of Right to Fair Compensation and Acquisition Act, 2014. But, the 2nd respondent without considering the representation of the petitioner is trying to demolish his shops without following due process of law. As such, the petitioner filed the present writ petition.

Heard learned counsel for the petitioner.

Learned counsel for the petitioner has produced title deeds of the petitioner as required by the respondent Corporation which is not disputed by the learned Standing Counsel for the respondent Corporation.

Learned counsel for the respondent Corporation submits that they will consider the representation of the petitioner in accordance with law.

In view of the above submission made by the learned counsel for the respondents, the writ petition is disposed of directing the respondents to dispose of the representation dated 05.02.2015 submitted by the petitioner within a period of four weeks from the date of receipt of a copy of this order. Till then, status quo, obtaining as on today shall be maintained. However, the petitioner shall follow due process of law before proceeding with demolition of petitioner's property. 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

23.02.2015

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