

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH

* * *

WRIT PETITION No. 23694 of 2015

BETWEEN

V.Sujatha and another

... PETITIONERS

AND

The State of Telangana, rep. by its Principal Secretary, Revenue
Department, Secretariat, Hyderabad and others

...RESPONDENTS

Date of Order pronounced: 19.08.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wish to see the
fair copy of the Judgment? | Yes/No |

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ORDER:-

Heard Mr. D. Krishna Murthy, learned counsel for the petitioners, and Mr. Vivek Reddy, learned standing counsel appearing for respondent Nos.3 and 4.

2. Learned counsel for the petitioner submits that the respondents issued a notification in Telangana State Gazette Extraordinary, dated 09.03.2015 inviting various properties proposed were being affected on account of the works taken up by the Government for public purpose. Said notification issued under Rule 19(1) and 11(2) of the Act-30/2013 referred to various properties shown and learned counsel points out item No.11, which describes the property affected as bearing D.No.7-1-616. Subsequently after considering the objections, they passed a final order under sub-rule 1 Rule 25 and Section 19(1) of the Act in the Telangana State Gazette Extraordinary dated 07.07.2015 whereunder at item No.11, for the first time, petitioners' property is arrayed with the name as bearing D.No.7-1-615. Learned counsel points out that in the absence of any preliminary notification, the final notification could not have been issued including petitioners' name and her property and all further actions taken by the respondents on the basis of said final declaration under Section 19 are contrary to law.

3. Learned standing counsel fairly submits that petitioners' property or their names were not reflected in the preliminary notification and it is only found in the final declaration. Learned standing counsel further submits that it appears to be a mistake and that the property is correctly identified as being affected along with all other properties for the same public purpose. Learned standing counsel therefore submits that the respondents be permitted to issue either a fresh preliminary notification or an errata to the earlier notification to the extent of petitioners' property and thereafter permit the petitioners to file their objections and after considering the same pass appropriate further declaration under Section 19 of the Act separately to the extent of petitioners' property.

4. In view of the said suggestion of the learned standing counsel for the respondents, the grievance of the petitioners would stand fully redressed.

Hence, the impugned declaration under Section 19, referred to above, to the extent of petitioners' property in item No.11 shall stand quashed with the liberty to respondent Nos.2 and 3 to follow the procedure prescribed under law, as noted above, so far as petitioners' property is concerned.

The writ petition is accordingly allowed. As a sequel, miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

August 19, 2015
LMV