

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.10477 OF 2015

ORDER:

This petition is filed for a writ of *Mandamus* directing the respondents to follow due process of law for acquiring the affected portion of the petitioners' premises bearing Nos.5-8-107/A/1, 5-8-107/A/5, 5-8-107/A/3, 5-8-107/A/3/1 and 5-8-107/5, situated at Nampally, Hyderabad, and to issue a consequential direction to the 2nd respondent not to take steps that would endanger the existing building/structures of the petitioners without following due process of law.

The case of the petitioners is that the entire property in premises called 'Hotel Imperial Complex' comprising ground+two floors with a total constructed area of approximately 11,000 Sq.feet over an extent of about 850 Sq.yards of land, situated at Nampally, Hyderabad, was initially owned by one Mohd.Rahim Khan and the same was partitioned among his five sons and two daughters vide a Memorandum of Compromise decree in O.S.No.414 of 1971 on the file of II Additional Judge, City Civil Court, Hyderabad and subsequently they sold their respective shares to various persons. The first and second floors of the said building are completely used by the 1st petitioner, his father and brother by running a hotel in the name and style of 'M/s.Hotel Imperial'. A part of the building in ground, first and second floors were purchased by the petitioners under registered sale deeds and using the same for commercial purpose. While so, the 2nd respondent-Greater Hyderabad Municipal Corporation initiated proceedings under Section 4(1) of the Land Acquisition Act, 1894 against some portion of the premises in the said building complex and some portion is being effected, without following due process of law. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioners, learned Government Pleader for Revenue, appearing for the 1st respondent and Sri R.Radha Krishna Reddy, learned Standing Counsel, appearing for the 2nd respondent.

Learned Standing Counsel for the 2nd respondent-G.H.M.C., on instructions, submits that the 2nd respondent will not demolish the property of the petitioners and follow due procedure, as envisaged under law, before taking any action.

Placing on record the said submissions of the learned Standing Counsel, this writ petition is disposed of directing the 2nd respondent not to demolish or affect the petitioners' property without following due procedure, as envisaged under law and not to take any steps, which will endanger the petitioners' property.

With the above direction, the writ petition is disposed of. 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

21.04.2015

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