

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

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**WRIT PETITION Nos.22538, 22553, 22554, 22562, 22564 and 22570 of
2015**

BETWEEN

Sri Dilip Kumar and others.

... PETITIONERS

AND

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

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 06.08.2015

SUBMITTED FOR APPROVAL:

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? | No |
| 2. | Whether the copies of judgment may be
marked to Law Reporters/Journals? | No |
| 3. | Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | No |

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COMMON ORDER:

Petitioners in these writ petitions have a common grievance that the respondents are not following due process of law with regard to acquiring the affected portions of their properties as mentioned in the prayers in the respective writ petitions. Petitioners also seek consequential direction against the second respondent not to take any steps as to demolition etc. so as to affect the existing buildings/structures.

2. I have heard learned counsel for the petitioners and the learned standing counsel for the second respondent corporation, who has filed separate counter affidavits in each of these writ petitions.

3. It is evident from the averments of the petitioners that all adjacent properties to the petitioners' properties have already been subject matter of land acquisition proceedings and the petitioners state that their properties have neither been notified nor they are aware of the affected portions of their buildings/structures that would be subject to any such acquisition proceedings. It is also alleged that it is necessary for the respondents to follow due process of law, if at all they want to take any part of the properties of the petitioners.

4. In the counter affidavits filed by the respondents, para 4 (b), (c) and (d) state that in consideration of the proposals received and the revised road development plan, the matter is sent for revised land acquisition proposals to the Land Acquisition Officer. It is also stated that though the requirement is for public purpose, the petitioners are not cooperating. However, sub-paras (c) and (d) specifically state that the second respondent will follow due process of law and it is appropriate to extract sub-paras (c) and (d) as under:

“(C) It is submitted that the petitioners have made false and frivolous allegations against the respondent no.2’s corporation in the affidavit in support of the writ petition. The officials of the respondent no.2’s corporation never acted illegally and high-handedly without giving notice and without following due process of law. The respondent no.2’s corporation has been requesting petitioners and others for private negotiations u/s 146 of the HMC Act due to lack of time as the respondent no.2 corporation is ready to give compensation under New Act i.e., Act No.30/2013 and ready to look into their concerns/clarifications to achieve the HMR work on public interest but never forcing them to hand over the premises.

(D) It is submitted that so far the respondent No.2’s corporation has not completed the process of Land Acquisition through private negotiations and the said negotiations are under process and in the meanwhile, the petitioner herein has hurriedly approached this Hon’ble Court though the respondents 2’s corporation has not even completed the Land Acquisition process and not yet started the demolition of the affected portion of the petitioners herein. The petitioner is under the false imagination that the respondent No.2’s corporation may demolish without due process of law and file the preset WP with false allegations. The petitioners have filed the present writ petition on their assumptions and presumptions.”

4. It is evident from the above that the second respondent intends to first exhaust the procedure of acquisition by consent under Section 146 of the HMC Act and the said private negotiation process is stated to be under progress. In view of that, therefore, there is no basis for the apprehension of the petitioners that the second respondent would demolish their buildings/structures without following due process of law.

In the light of the said categorical statements in the counter affidavit, the writ petitions are disposed of directing the second respondent to follow due process of law, if and when the petitioners’ properties/structures or any part thereof are required to be utilized for the purpose of revised road development plan as stated in the counter affidavit. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

August 6, 2015

DSK