

**THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

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**W.P.M.P.No.29340 of 2015**

**IN/AND**

**WRIT PETITION No.10447 OF 2011**

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**ORDER:**

The present Writ Petition came to be filed seeking issuance of writ of *mandamus* directing the Government and its authorities to make necessary arrangements for payment of compensation of Rs.25,000/- per square yard as per the basic value for an area of 892 square yards of the land in Sy.No.18 of Gachibowli village belonging to the petitioners or otherwise to adjust the said compensation amount towards the BPF, DC, EBC, RWHP, VIT and other fee for the proposed Multiplex and Commercial Complex building fee to be paid to GHMC, till that time not to take possession of the land without due process of law under the Land Acquisition Act, 1894 or under the Hyderabad Municipal Corporation Act, 1955.

2. W.P.M.P.No.29340 of 2015 came to be filed to record the contents of the letter vide Lr.No.93863/28/11/2013/HO, dated 07.07.2015, issued by the GHMC and dispose of the writ petition accordingly.

3. The averments in the affidavit filed in support of the writ petition, in brief, are as under:

The petitioners 1 to 3 claim to be the owners of the land to an extent of 6936 square yards in Sy.No.18 facing old Bombay Highway at Gachibowli village and they planned to develop the said land into multiplex and commercial buildings. Pursuant to the amalgamation orders, GHMC collected layout charges of

Rs.2,12,895/- in respect of amalgamation of plots of the petitioners and adjacent land owners. The Commissioner, GHMC, while sanctioning and releasing the amalgamated plan had clearly demarcated the portion of 892 square yards in the amalgamated plan. It is further stated that the petitioners are apprehending that the Government and its authorities may take physical and actual possession and resort to lay the road stating that there is urgency and in such a case, they would be subjected to irreparable loss. It is further averred that the Government cannot take forcible physical possession of land admeasuring 892 square yards without due process of law unless the same is acquired and compensation is paid.

4. At the time when the matter is taken up for hearing, learned counsel for the petitioners submitted that the writ petition may be disposed of in terms of the letter, dated 07.07.2015, issued by the GHMC. The same is not disputed by the learned Standing Counsel for GHMC.

5. It would be appropriate to refer to the contents of the said letter, which are as under:

“With references cited, it is to inform that the proposals submitted by you for construction of Commercial Building consisting of 4-Cellars, Ground + 4 Upper floors, in Sy.No.18(P) & 19(P), situated at Gachibowli(v), Serilingampally (m), R.R.Dist., have been examined by this office.

On verification, it is observed that there is court case pending before the High Court in W.P.No.10447 of 2011. The concessions are being given by the GHMC as per rule 16 of G.O.MS.No.168 MA, Dt:07.04.2012 in road widening cases where road widening portion surrender to GHMC free of cost.

Therefore, you are informed to withdraw the Court case

filed by you and which is pending in the High Court for considering road widening benefits under G.O.Ms.No.168 MA, Dt:07.04.2012 subject to establishment of ownership and extent of land affected in the proposed 65.0 mtr., Master Plan Road.”

A reading of the contents of the letter reveal that the GHMC authorities advised the petitioners to withdraw the Court case filed by them for sanction and release of building plan.

6. In view of the above, W.P.M.P.No.29340 of 2015 is allowed and the Writ Petition is disposed of in terms of the letter, dated 07.07.2015. It is needless to mention that the respondent authorities shall pass appropriate orders on the building application, which is pending since 2013, at the earliest preferably within a period of six (06) weeks from the date of receipt of a copy of this order, in accordance with law.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

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**JUSTICE C. PRAVEEN KUMAR**

Date:16.12.2015  
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