

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.35457 OF 2015

DATED:10-12-2015

Between:

S. Rajender Singh ... Petitioner

And

The State of Telangana,
Rep. by its Principal Secretary
Municipal Administration and
Urban Development Department
Secretariat
Hyderabad
and another ... Respondents

... Respondents

COUNSEL FOR THE PETITIONER: Mr. Satyannarayana Murthy, for
Mr. S. Ravinder Reddy

COUNSEL FOR RESPONDENT NO.1: A.G.P. for Municipal
Administration

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed with the grievance that respondent No.2 has not been paying compensation in respect of the petitioner's premises bearing H.No.2-3-96 situated at Kaman Road, Karimnagar District, which was acquired for the purpose of widening road.

Though the case was adjourned on two occasions for filing counter affidavit, respondent No.2 has not filed counter affidavit. The petitioner averred that respondent No.2 has initiated the process of road widening to the extent of 80 feet in the Municipal Corporation area and a meeting was convened in this regard during which the petitioner and various owners of the properties have conveyed their no objection for widening of the road to the extent of 80 feet as per the Master Plan. When contrary to the said understanding, respondent No.2 has started demolishing the houses beyond 80 feet, the petitioner and ten others have filed W.P. No.14220 of 2011 wherein this Court granted an interim direction to respondent No.2 not to demolish the structures of the petitioners for road widening beyond 80 feet. Thereafter, the petitioner has caused legal notices dt.29.9.2015 and 13.10.2015 on respondent No.2 for payment of compensation at the rate of Rs.12,000/- per Sq. yard.

The grievance of the petitioner is that having acquired the property, compensation has not been paid. In the absence of any counter affidavit, the said plea of the petitioner deserves to be accepted. Having acquired the property, respondent No.2 cannot avoid payment of compensation.

Therefore, respondent No.2 is directed to consider the petitioner's request for payment of compensation. It shall hold negotiations with the petitioner and fix the compensation within two months from the date of receipt of this order. The decision so taken shall be communicated to the petitioner in writing within the said period. The petitioner shall be entitled to avail further legal remedies, if he feels aggrieved by the decision of respondent No.2.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.45551 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

10-12-2015

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