

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3249 OF 2015

ORDER

-

This writ petition is filed by the petitioners seeking a *Writ of Mandamus* declaring the action of the respondents 2 to 4 in not disposing the presentations made by the petitioner including the latest representation made on 21.01.2015, as illegal and arbitrary.

The case of the petitioner is that he is the property secretary of St.Thomas (SPG) Tamil Cathedral Congregation known as Secunderabad St.Thomas Mission and the said Mission is the owner and possessor of the then St.Thomas Church property bearing No.7-1-1 to 7-1-6, to the extent of Ac.4-06 gts and respondents have acquired the said land for widening the road from JBS to Faluknama for the purpose of Metro Rail Project. While so, the petitioner has submitted his objections with regard to the same. Subsequently, the authorities in pursuance to the objections made by the petitioner, conducted enquiry under Section 5-A of the Land acquisition Act and passed an award 25.09.2014 directing the petitioner to surrender the subject land to HMRL for laying the metro rail. Thereafter, petitioner made representations to the authorities as well as the 4th respondent seeking change of alignment. But the said representations were not disposed of by the respondents. It is also the case of the petitioner that while acquiring the land of similarly situated persons, the respondents have changed the alignment of the properties belonging to them. But in so far as the petitioner's property is concerned, the authorities are not considering the representations made by the petitioner. Aggrieved by the same, the present writ petition is filed.

Learned Assistant Government Pleader for Land Acquisition submits that as per the request of the 4th respondent, the enquiry under Section 5-A of the Act was conducted in pursuance of the objections submitted by the petitioner and later an award was passed on 25.09.2014, delivering the possession of the subject land to the 4th respondent. He also submits that since the rights and title over the acquired properties were not decided, the matter was referred to City Civil Court under Section 30 of the Land Acquisition Act for adjudication. As such at this stage, petitioner cannot ask for change of alignment.

Sri K. Vivek Reddy, learned Standing counsel for the 4th respondent submits that already pillars were raised for the purpose of laying metro rail and at this stage it is very difficult for the authorities to change the alignment. He also submits that the 4th respondent is proceeding with the work as per the award passed by the 3rd respondent, as such, petitioner has no legal right to ask for change of alignment at this stage. He also submits that this Court cannot issue *mandamus* for change of alignment.

In this case, though petitioner made several representations to the authorities for change of alignment, the respondents have not considered the same. Further, the

petitioner approached this Court belatedly i.e., after raising pillars by the respondents, as such, this Court cannot grant *mandamus* for change of alignment at this stage and it is for the 4th respondent to take a decision in this matter. Without expressing any opinion on merits of the case, since it is stated that latest representation made by the petitioner on 21.01.2015 is pending before the 4th respondent, it is for the 4th respondent to take a decision on the same and pass appropriate orders thereon within a period of three (03) weeks from the date of receipt of copy of this order.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions pending, if any shall stand closed.

A.RAJASHEKER REDDY,J

Date: 24.02.2015

dv