

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.2349 OF 2015

ORDER:

This petition is filed for a writ of *Mandamus* directing the respondents 1 to 4 not to demolish an extent of 15' in length and 11 feet in breadth out of 33' x 11' as mentioned in the sketch plan of the shop forming part of premises bearing door No.5-8-221, situated at Nampally Station Road, Hyderabad, with a further direction to the Respondent No.1 to 3 to take all precautions and care while demolishing the affected portion of 18' x 11', thereby the remaining unaffected portion of 15' x 11' is not affected.

The case of the petitioner is that she is the tenant of shop bearing door No.5-8-221 with a dimension of 33' x 11' breadth, admeasuring an area of 363 sq. ft., situated at Nampally Station Road, Hyderabad. While so, since road widening process is going on at Nampally Station Road for the purpose of Metro Rail Project, on 21.01.2015, the respondent officials visited the shop of the petitioner and demarcated some portion of the shop which is going to be affected under road widening. The 4th respondent, who is the owner of the said building also gave consent for the road widening without informing the same to the tenants. While so, on 22.01.2015, when the respondent officials came to the premises and tried to demolish the entire shop including the unaffected portion, without issuing any notice to the tenants in occupation, the petitioner resisted the attempt and made a representation to the respondents 1 to 3 on 27.01.2015. He further submits that, the 4th respondent has colluded with the respondents 1 to 3, with an intention to demolish the entire shop under the grab of road

widening. She also states that she has no objection if the respondents use modern cutters to remove only the affected portion without causing any damage to the remaining unaffected portion of the shop. She further states that the 3rd respondent, without issuing public notification as contemplated under the provisions of the Land Acquisition Act and without issuing any notices to the tenants cannot demolish the property. Hence, she filed the present writ petition for a direction to the respondent officials to demolish the affected portion without causing any damage to the remaining unaffected portion of her shop.

Learned counsel for the petitioner submits that the official respondents are affecting demolition in excess of the portion which is notified for acquisition, in collusion with the 4th respondent.

Learned Standing Counsel for the respondent- Corporation produced written instructions along with map showing the property acquired for demolition and also states that only according to plan demolition would be affected to the extent of property notified for acquisition and the same is not disputed by the learned counsel for the petitioner.

Heard learned counsel for the 4th respondent.

Since the learned counsel for the respondent Corporation specifically assured that it is going to demolish only the notified property, for acquisition, recording the same, the writ petition is disposed of. However, the respondent Corporation shall take necessary steps to demolish the subject property only to the extent notified without causing any damage to the unaffected portion. 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

11.03.2015
tk.