

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.41345 OF 2014

ORDER

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This writ petition is filed for a writ of mandamus declaring the action of the respondents in trying to dispossess the petitioner from part of the property bearing H.No.8-3-168(Part)/5, situated opposite to ESI Hospital, Erragadda, Hyderabad, without following due process of law, pursuant to the notice dated 29.12.2014 issued by the 2nd respondent under the guise of road widening, as illegal and arbitrary and for a consequential direction to set aside the said notice and direct the respondents not to interfere with the petitioner's peaceful possession and enjoyment over the aforesaid property.

The case of the petitioner is that he is the absolute owner and possessor of the building property bearing H.No.8-3-168(Part)/5, admeasuring 272 sq.yards situated opposite to ESI Hospital, Erragadda, Hyderabad having purchased the same through registered sale deed dated 05.07.2003. While so, the 2nd respondent issued impugned notice dated 29.12.2014, stating that in order to ensure free flow of traffic under the Hyderabad Metro Rail Project, the 2nd respondent Corporation proposed to widen the road and due to the said widening, it sought the consent of the petitioner to hand over the affected area to a depth of 9' admeasuring 35 sq.yards. It is further stated that GHMC will arrange to pay the compensation for structural valuation in respect of affected portion or the petitioner can avail the benefits under G.O.Ms.No.483, MA Department dated 24.08.1998 for re-development of the balance area. Pending the same, the 2nd respondent along with police went to the petitioner's property on 30.12.2014 and demolished the compound wall of the said property and erected the temporary barricades to the extent being affected under the said road widening, without taking

petitioner's consent. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioner.

Learned Standing Counsel for respondents produced a letter dated 24.01.2015 issued by Assistant Commissioner, Circle 10 stating that GHMC is ready to pay the compensation on negotiations, if the petitioner is ready to submit his consent as per the procedure, adopted for his neighbouring properties as per Rules under Section 146 of GHMC Act. It is further submitted that if negotiations fail, respondents will initiate action as per the Rules of Land Acquisition (Company) Rules.

In view of the above, the Writ Petition is disposed of. However, if the negotiations fail, the respondent shall not dispossess the petitioner without following due process of law. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER

REDDY,J

Date: 30.01.2014

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