

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WRIT PETITION NO.22310 of 2015

Between:

Gadde Srinivasa Rao s/o.late Jagan Mohan Rao,
Aged about 52 years, R/o.D.No.21-6-15/1, 15/2,
Madhura Nagar, Vijayawada, Krishna District.

.. Petitioner

AND

State of A.P., rep.by its Principal Secretary,
Municipal Administrative and Urban Development
Department, Secretariat, Hyderabad and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 17.07.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers may : Yes / No
Be allowed to see the Judgments ? :
2. Whether the copies of judgment may be marked : Yes / No
To Law Reporters/Journals :
3. Whether Their Lordship wish to see the fair : Yes / No
Copy of the Judgment ? :

**HON'BLE SRI JUSTICE P.NAVEEN RAO
WRIT PETITION No.22310 of 2015**

ORDER:

Petitioner claims to be the joint owner of property of 710 square yards bearing Door No.21-9-61 of Madhura Nagar Road, Vijayawada. Petitioner is operating retail petroleum products outlet in the name of GJMR Filling Station. Second respondent corporation intends to widen the road abutting the petitioner property to 80 feet. Notice under Section 147(2) of Hyderabad Municipal Corporation Act, 1955 (for short, 'Act, 1955') was issued asking the petitioner to surrender 101.40 square yards of land in the above door number for the purpose of widening of Madhura Nagar Road. In lieu of surrender of his property, municipal corporation offered T.D.R. bonds. Aggrieved thereby, this writ petition is filed.

2. Learned counsel for the petitioner contends that offer given by the second respondent corporation is not acceptable to the petitioner. He further submits that there is no justification for municipal corporation to acquire his land when municipal corporation land is available on other side of the road. He further contends that widening is not done equally on either side of the road by taking measurements from the centre of the road. To this extent a representation was submitted to the Commissioner on 08.07.2015.

3. According to the provisions contained in Section 147 of the Act, 1955, it is permissible for the municipal corporation to acquire private property for public purpose by way of private negotiations if the owner of the property is willing to negotiate for such settlement. If the owner of the property is not willing for such settlement, he cannot be compelled to part with his property under the said provision. In such a case, the corporation has to follow due procedure as envisaged in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013" (Act 30 of 2013).

4. In the instant case, the petitioner is not willing to part with his land by way of negotiations under Section 147 of the Act, 1955. In view of the same, there is no other option to municipal corporation, but to follow due procedure to acquire the property of the petitioner.

5. Learned standing counsel fairly submits that as petitioner is not willing to negotiate, municipal corporation shall follow due procedure to acquire the property of the petitioner.

6. Having regard to the same, the writ petition is disposed of directing the respondent corporation not to enforce notice signed on 16.06.2015 issued under Section 147(2) of Act, 1955 to the petitioner. If the respondent corporation intend to acquire the property of the petitioner for public purpose, they shall follow due procedure as mandated under the Act 30 of 2013. There shall be no order as to costs.

Miscellaneous petitions if any pending in the writ petition shall stand closed.

Date : 17.07.2015
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JUSTICE P.NAVEEN RAO

HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date:17.07.2015
kkm