

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

WRIT PETITION NO.34426 OF 2015

DATED:11-02-2016

Between:

A. Durgamma
and others

... Petitioners

And

The State of Andhra Pradesh
Rep. by its Principal Secretary
Municipal Administration & Urban Development
Secretariat
Hyderabad
and another

... Respondents

COUNSEL FOR THE PETITIONERS: Mr. N. Aswartha Narayana

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

(AP)

COUNSEL FOR RESPONDENT NO.2: Mr. S.D. Goud

THE COURT MADE THE FOLLOWING:

ORDER:

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This is the second round of litigation which is wholly avoidable but for seemingly unreasonable attitude of respondent No.2 – Municipal Corporation. It is an admitted fact that a private property in Sy. No.151-5 situated at Ananthapur Town, was utilized by respondent No.2 after demolishing the structures thereon, in the road widening. The petitioners, who claimed the ownership over the property, approached this Court by filing W.P. No.26184 of 2010. The said writ petition was disposed of by order dt.18.11.2013 whereunder the petitioners were permitted to produce evidence of title to the property before respondent No.2. A direction was given to respondent No.2 to complete the process within three months from the date of receipt of copy of the order. Immediately thereafter, the petitioners have made a representation on 23.01.2014 to respondent No.2, along with which they have enclosed registered sale deed dt.11.10.1937 and genealogy extract issued by the Revenue Divisional Officer, Bukkarayasamudram, on 18.1.2014. After receiving the same, respondent No.2 has issued the endorsement requesting the petitioners to submit attested copies of registered ownership documents and the legal heir certificates duly certified by the Tahsildar. As the petitioners' efforts to get payment of compensation have become futile, they have embarked upon the present round of litigation.

In the counter affidavit filed by the Commissioner of respondent No.2, it is *inter alia* stated that the petitioners have not produced the title deeds to show ownership to the property, nor produced any record to show that they are absolute owners of the property. It is further stated that if the petitioners are able to produce the title to the property,

the respondents are ready to comply with the order of this Court. The counter affidavit has not denied the fact that the petitioners have produced a registered sale deed executed and registered as far back as 11.10.1937. If that be so, nothing prevented respondent No.2 from referring to the said document with reference to the genealogy table enclosed by the petitioners along with the representation dt.23.01.2014 and made its stand known as to whether the petitioners are entitled to payment of compensation or not. Respondent No.2 should realize that if the petitioners are true owners of the property, their claim for compensation should not remain a cry in wilderness.

In the above facts and circumstances of the case, the writ petition is disposed of in the following terms:

Within three months from the date of receipt of this order, the petitioners shall produce all the relevant documents which support their claim of the subject property. Within three weeks thereafter, respondent No.2 shall issue notice to the petitioners and fix a date for personal hearing. After considering the documents and hearing the petitioners, respondent No.2 shall pass a speaking order and communicate the same to the petitioners. He shall complete this exercise within two months from the date of receipt of this order.

As a sequel to disposal of the writ petition, W.P.M.P. No.44252 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

11-02-2016

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