

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.43101 of 2015

Date:04.01.2016

Between:

Wajida Khatoon,
W/o Khalid Sharif

..... Petitioner

And:

The State of Telangana, repled., by its
Principal Secretary, Land Acquisition,
Hyderabad and three others.

.....Respondents

Counsel for the Petitioner: Mr. P.Sri Raghu Ram

For Mr. P.Sri Ram

Counsel for Respondent Nos.1, 3 and 4: GP for Land
Acquisition (TS)

The Court made the following:

ORDER:

The petitioner, who is the owner of the property admeasuring 711 square yards in Survey No.403 correlated to T.S.No.1/1/A, Ward No.9, Block-H, situated at Road Nos.1 and 2, Jubilee Hills, Shaikpet, Hyderabad, filed this Writ Petition on apprehension that the respondents may utilise his property for construction of multi-level Flyover without following due process of law.

The petitioner pleaded that he has received notice, vide Lr.No./RW(SRDP)/ACP/C-10B/GHMC/2015, dated 23.10.2015, from respondent No.2 under Section-146 of the Greater Hyderabad Municipal Corporation Act, 1955

(for short 'the Act'), requesting him to hand over possession of the property for construction of multi-level Flyover by receiving the compensation as per the Roads and Buildings Schedule rates or in lieu thereof, receive the land value relaxation and additional F.S.I as per G.O.Ms.No.168, MA, dated 07.04.2012. He further pleaded that on receipt of the impugned notice, he has met the officials concerned and respondent No.2 and informed the latter that they are not willing for parting with his property without being paid the fair compensation under the Land Acquisition Act as, they are not agreeable for receiving the additional FSI in lieu of the compensation. As the petitioners apprehend further steps being taken by the respondents without following due process of law, they have filed this Writ Petition.

Mr. P.Kesava Rao, learned Standing Counsel for the Greater Hyderabad Municipal Corporation, on instructions, submitted that notice, dated 23.10.2015 was issued only as a first step for acquiring the land through consent and that respondent No.2 will not proceed further without either settling the issue of compensation with the petitioners under Section-146 of the Act or, failing which, acquiring the land under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

In the light of these submissions of the learned Standing Counsel, which are placed on record, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.55556 of 2015 shall stand disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*04th January, 2016
DR*