

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.37589 OF 2016

DATED : 03.11.2016

Between :

Smt Bharathi D/o.Bhagwandas,
Aged about 58 yrs, R/o.Dattanagar,
Narayanaguda, Hyderabad.

..

Petitioner

And

The Commissioner,
Greater Hyderabad Municipal Corporation,
Rep., by Deputy Commissioner,
Circle No.IX, Hyderabad & another.

..

Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.37589 of 2016****ORDER :**

Petitioner claims to be the tenant of property belonging to the Municipal Corporation, Hyderabad, doing petty business since 1975. Shop No.46 was allotted to the petitioner. The said shop was demolished in order to widen the road and at the time of demolition an assurance was given to the petitioner that proper accommodation would be provided in a new complex to be constructed. But no allotment was given to the petitioner. Whereas several others were granted allotment. While so, Shop Nos.8 and 9 in Lingampally, MCH Complex are now vacant. Petitioner made a representation praying for allotment of one of the shops now vacant. Alleging that the said representation is not acted upon, this writ petition is filed.

2. The material on record does not disclose that an assurance was given to the petitioner that a shop would be allotted. Be that as it may, the issue of widening of the road was in the year 1998 and thereafter petitioner kept quiet. Thus, even assuming that an assurance was given, petitioner can not seek allotment at this stage. Detailed procedure is required to be followed for allotment of shops belonging to MCH Complex and no such allotment can be made by way of nomination or in consideration of individual request. There are many persons eking out their living by road side kiosks and many may be interested in seeking allotment of shops belonging to the MCH. Thus, no direction to allot shop to the petitioner can be given. The MCH is required to follow

procedure of calling for applications from willing persons. On consideration of those applications, by following norms notified in advance only allotment can be made.

3. Having regard to the apprehension expressed by the petitioner that even in the existing vacant shops, allotment is likely to be made without following due process, the respondent-MCH, is directed to follow due procedure of notifying the vacant shops, calling for applications and consideration of the applications with the prior notified norms. As and when such notification is issued, petitioner is entitled to apply and is also entitled to claim priority of allotment, on the ground that earlier petitioner was occupying the shop allotted by the GHMC, if any such priority is available in the norms prescribed by the GHMC.

4. Subject to the above direction, the writ petition is disposed of. There shall be no order as to costs.

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

3rd November, 2016
Rds

P.NAVEEN RAO,J