

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.5069 of 2009

ORDER:

Respondent No.4-Greater Hyderabad Municipal Corporation submitted proposals for widening the road from Chanchalguda Junction to Madannapet Graveyard via Saidabad by letter, dated 11.08.2008. Based on the said proposal, respondent No.2-District Collector, Hyderabad issued a notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') and it was published on 19.08.2008 in Hyderabad District Gazette. Respondent No.3-Special Deputy Collector (LA) was appointed as Land Acquisition Officer. He issued a notice under Section 5-A of the Act to the petitioners and in response to the same, they submitted their objections. It is their case that if the road is widened uniformly for 80 feet instead of proposed width of 100 feet, they are ready to surrender the land voluntarily. However, those objections were rejected and it is stated that they wanted to widen the road for 100 feet as per the road development plan and the acquisition is in larger public interest. The present writ petition was filed stating that no proper reasons were assigned for rejecting objections.

This Court by order, dated 13.03.2009, granted interim stay, as a result of which, further proceedings are stayed.

A counter-affidavit is filed along with WVMP No.1637 of 2012 stating that there is no challenge to the draft declaration issued under Section 6 of the Act. It was further stated that on receipt of requisition from the Assistant City Planner, Circle No.IV vide Reference No.GHMC Lr.No.421/ACP/C4/RW/GHMC/2008-253, dated 11.08.2008 for initiating land acquisition proceedings in respect of 47 properties situated at Saidabad Village of Hyderabad District for widening of road from Saidabad Junction to Madannapet Graveyard, notification was issued on 18.08.2008 and it was published in local newspapers. Thereafter, the objections were called for under Section 5-A of the Act. The enquiry was conducted on 27.09.2008 and the objections were enquired into. Since the objections related to the widening of the road, appropriate report was submitted to respondent No.2, who examined 23 objections and held that the proposed road widening to 100 feet was as per road development plan in the larger public interest to ease-out the growing traffic. It was also stated that the road alignment was fixed after careful consideration of obstacles such as Temples, Darga and Mosque and the alignment cannot be changed. Accordingly, proceedings were issued on 04.02.2009 and were served on the petitioners on 16.02.2009. The draft declaration was approved by respondent No.1 on 06.05.2009 and was published in the Gazette on 18.05.2009. Thereafter, the notice was issued to the petitioners under Sections 9 (1) and 10 of the Act.

It is clear from the above that the present writ petition was filed only on the ground that the respondents have to widen the road at a uniform width of 80 feet and the proposed width of 100 feet would affect their properties. The counter-affidavit states that the width of 100 feet was proposed based on the road development plan in the larger public interest. It was also stated that the same is meant for easing the growing traffic in the city. It is everybody's knowledge that the traffic in the city is growing and the existing roads are not sufficient.

In the circumstances, it cannot be said that the proposed action of the respondents to widen the road to 100 feet is contrary to public interest or it should be dropped at the instance of the petitioners. In view of the public interest involved, this Court is not inclined to grant relief as sought in the writ petition.

The writ petition is accordingly dismissed.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO,J

Dt:17.10.2016

kdl

