

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

WRIT PETITION NO.34234 OF 2015

DATED:11-02-2016

Between:

Md. Imran Ali
and others ... Petitioners

And

The Greater Hyderabad Municipal Corporation
Rep.by its Special Officer-cum-Commissioner
Tank Bund Road
Hyderabad
and others ... Respondents

COUNSEL FOR THE PETITIONERS: None appeared

COUNSEL FOR RESPONDENT NO.1: Mr. N. Ashok Kumar, Standing
Counsel for GHMC

COUNSEL FOR RESPONDENT NO.2: Mr. V. Venugopala Rao

COUNSEL FOR RESPONDENT NO.3: A.G.P. for Municipal
Administration

(TS)

THE COURT MADE THE FOLLOWING:

ORDER:

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Feeling aggrieved by the proposed demolition of the building bearing No.10-2-289/4, Udyog Bhavan Trust, A.C. Guards, Opposite Mahaveer Hospital, Hyderabad, comprising Shop Nos.1 to 12, 15 to 17 (hereinafter referred to as the 'subject property'), the tenants of the said shops have filed this writ petition.

At the hearing, there is no representation for the petitioners.

I have heard Mr. N. Ashok Kumar, learned Standing Counsel for the Greater Hyderabad Municipal Corporation, and Mr. V. Venugopala Rao, learned counsel for respondent No.2.

Respondent No.2 is the owner of the subject property. All the petitioners are admittedly the tenants of the said premises. Respondent No.1 has approached respondent No.2 for consent for demolition of the subject property for the purpose of road widening and the latter has given its consent. However, the petitioners, who are in occupation of the property, as tenants, have not been put on notice, nor their consent has been obtained by respondent No.1. As held by the Full Bench of this Court in *Ushodaya Publications, Hyderabad v. Commissioner, Municipal Corporation of Hyderabad and another*^[1], the tenants are entitled to a notice before the property is acquired by following the procedure either under Section 146 or under Section 147 of the Greater Hyderabad Municipal Corporation Act, 1955. As this procedure is not followed, respondent No.1 is directed to follow the said procedure as explained by this Court in *Ushodaya Publications* (supra) before proceeding further with the proposed acquisition.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.44042 of

2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

11-02-2016

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[\[1\]](#) 2001 (3) ALD 173 (FB)