

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P. NAVEEN RAO

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Writ Appeal No.294 of 2016

Date:27.04.2016

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Between:

Imadul Mulk Trust,
Hyderabad.

.....Appellant

And

The State of Telangana,
Through its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and others.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P. NAVEEN RAO

Writ Appeal No. 294 of 2016

PC:(Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This writ appeal is directed against the order dated 13.4.2016 passed in W.P.M.P. No. 10317 of 2016 in Writ Petition No. 8132 of 2016. The order reads thus:

"The petitioner Trust seeks a direction not to dispossess it from the subject premises which are sought to be taken over by the Hyderabad Metro Rail Project. It is however significant to note that the prayer of the petitioner Trust in the main writ petition is only for compensation for the subject property.

Sri B. Vijaysen Reddy, learned counsel for the petitioner, would contend that there is a dispute between his client and the Wakf Board as to the title and ownership of the subject property.

Sri Mujeeb, learned Standing Counsel for the Wakf Board, would further state that Hyderabad Metro Rail Project has already paid the requisite compensation in relation to the subject property.

In essence, the dispute appears to be only over the compensation amount in relation to the subject property. That being so, no cause is made out for stalling the Hyderabad Metro Rail Project at this stage by protecting the possession of the petitioner Trust. The petitioner Trust can as well workout its grievance in the main writ petition as regards its entitlement to the compensation amount.

The W.P.M.P. is misconceived and is accordingly dismissed."

We are informed that the amount of compensation has already been paid to respondent No.3-Board. We have also perused letter dated 16.12.2015 issued by the Chief Executive Officer, Telangana

State Wakf Board. From the contents of this letter, it appears that the land in dispute has already been gazetted as property of the Wakf Board. This letter also states that the amount of compensation paid to the Wakf Board shall be utilized for restoration/upkeep of the existing grave yard and purchasing new land for the new grave yard and construction of all amenities therein.

In this backdrop, we have heard Mr. B. Vijaysen Reddy, learned counsel for the appellant. He repeatedly submitted that the appellant is the owner of the property and with their consent, the property was surrendered to Hyderabad Metro Railway Project, and therefore, respondent Nos. 1 and 4 committed grave error of law in paying the amount of compensation to respondent No.3-Board. We are not impressed with the submission made by Mr. B. Vijaysen Reddy, learned counsel for the appellant. From the reasons recorded by learned Single Judge, rejecting miscellaneous petition filed by them, seeking stay of the Hyderabad Metro Rail Project, we do not find any reason to interfere with the order. Moreover, the dispute pertains only over compensation in relation to the subject property. If the appellant ultimately succeeds, they would be entitled for the amount of compensation as prayed.

In the circumstances, we find no merit in the writ appeal. The writ appeal is dismissed.

At this stage, Mr. B. Vijayasen Reddy, learned counsel for the appellant seeks liberty to the appellant to make a representation to respondent Nos. 3 and 4 for appropriate relief.

We grant the liberty as prayed. However, we observe that if any such representation is made by the appellant, respondent Nos. 3 and 4 shall deal with the same strictly in accordance with law.

Consequently, pending miscellaneous applications shall also stand closed.

DILIP B. BHOSALE, ACJ

P. NAVEEN RAO, J

27th April, 2016

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