

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.19612 OF 2003

ORDER

Heard learned counsel for the petitioners and learned Government Pleader for Revenue appearing for the respondents.

This writ petition was filed for the following relief:

“to issue a Writ or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent-authority in issuing proceedings No.G2/10548/76, dt. 4.11.1995 under Section 8(4) & 9 of the Urban Land Ceiling Act as confirmed by the 1st respondent-authority in ULC appeal No.Hyd/286/95 by an order dt.17.2.2003 and subsequent proceedings under sub Section 5 of Section 10 of the Urban Land Ceiling Act in proceeding No.G2/10548/76 dt 12.08.2003 issued by the 2nd respondent-authority served on the petitioners on 18.08.2003 as arbitrary, illegal and violative of Articles 14,21 and 300-A of the Constitution of India and in gross violation of principles of natural justice since the same are contrary to the law laid down by this Hon'ble Court and the Hon'ble Supreme Court of India and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

This writ petition was filed on 16.9.2003. While admitting the writ petition on 17.9.2003, this Court granted *status quo* for a period of two weeks.

The land involved in the present litigation is an extent of Ac.1-31 guntas of agricultural land situated in Sy.No.456 of Uppal Bhagath Village, which was not included in the master plan dated 28.01.1976. During pendency of the present proceedings, the petitioners 1 and 2 expired and petitioners 3 to 5 came on record in their place.

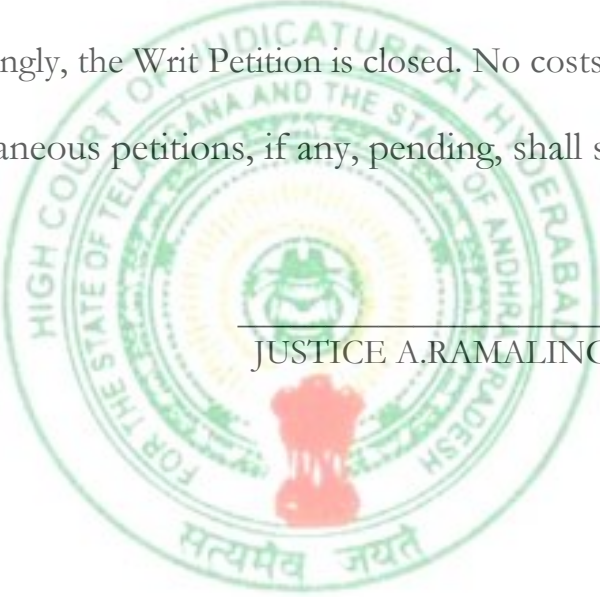
Though in the counter affidavit filed on behalf of the 2nd respondent, it is stated that possession of the surplus land was taken over under Section 10 (6) of the Urban Land Ceiling Act (for short 'the Act') and the same was handed over to the concerned Mandal Revenue Officer, who, in turn, has allotted the same to HMDA *vide* G.O.Ms.No.98, Rev (UC.I) Department, dated 5.2.2011 for development of "Musi Beautification Project", the learned counsel for the petitioners along with reply affidavit filed copies of the Awards dated 27.08.2011 passed in PLC Nos.1, 2, 11 of 20011, wherein it was agreed that the petitioners continued to be owners of the property. The said Awards were passed at the instance of HMDA, Tarnaka, Hyderabad.

Though an averment was made with regard to taking possession of the land, no particulars were given. Even if the record shows taking over of possession, the same would be of no avail in view of passing of awards.

However, in view of the compromise, no further orders are necessary in the present writ petition as the Urban Land Ceiling Act itself is repealed.

Accordingly, the Writ Petition is closed. No costs.

Miscellaneous petitions, if any, pending, shall stand closed.



JUSTICE A.RAMALINGESWARA RAO

18th July, 2017
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