

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Ms. JUSTICE J. UMA DEVI

Writ Appeal No. 564 of 2017

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

Heard Sri Vedula Venkataramana, learned Senior Counsel appearing on behalf of the appellants, and Sri Y. Rama Rao, learned Standing Counsel for the Hyderabad Metropolitan Development Authority (HMDA).

The appellants herein are the petitioners in the writ petition. They are aggrieved by the ad-interim order passed by the learned Single Judge directing the respondents to reserve 2000 square yards of site in terms of G.O. Ms. No. 36 dated 22.1.2011. The appellants-writ petitioners claim to have purchased an extent of 6,980.80 sq. mtrs., of land in Survey No. 525 at Uppal Bhagayath Village, Uppal Mandal, Ranga Reddy District from the HMDA pursuant to a public auction. It is their case that a sale deed was executed in their favour by the HMDA on 17.7.2009. This site is said to form part of the land which the Government of Telangana had decided to allot plots to land oustees under the Musi River Conservation and River Front Development Project. The learned Single Judge has, in the order under appeal, referred to G.O. Ms. No. 36 dated 22.1.2011 wherein, for every one acre of land surrendered by land owners, they are entitled to be allotted 1000 sq. yards of developed site.

Sri Vedula Venkataramana, learned Senior Counsel appearing for the appellants-writ petitioners, would contend that, since the appellants are not willing to seek the benefit of G.O. Ms. No. 36 dated 22.1.2011, the only manner in which they can be deprived of their right over their land, is if it is acquired in accordance with law, and not otherwise; and the learned Single Judge had erred in directing the respondents to

reserve 2000 sq. yards of site in terms of G.O. Ms. No. 36 dated 22.1.2011, though the appellants-writ petitioners were not willing to give up their sites in terms of the said GO.

As the appellants-writ petitioners claim to be the owners of the subject land, and rely on a sale deed said to have been executed in their favour by the HMDA, they can only be deprived of their land in accordance with law, which would be in terms of the Land Acquisition Act. There shall be interim direction as prayed for. It is however made clear that the order now passed by us shall not preclude the respondents from acquiring the subject land in accordance with law. It is also made clear that we have not expressed any opinion on merits, and this order shall not disable the respondents from filing their counter affidavit, and seeking vacation of the interim order.

The writ appeal is disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(J. UMA DEVI, J)

9th August, 2017

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