

THE HON' BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.4100 of 2009

ORDER:

Heard and perused the record.

2. The present Writ Petition came to be filed seeking issuance of writ of Mandamus declaring the proceedings in file No.C/ 1317/ 2008, dated 01.11.2008 as illegal, arbitrary and contrary to Section 17 of the Land Acquisition Act (for short, 'the Act').

3. The averments in the affidavit filed in support of the writ petition would show that the property bearing No.5-1-494 & 495, situated at Putlibowli, Jambagh, Hyderabad, admeasuring 0.80 square yards was owned by the petitioner. He claims to be in joint possession along with his sons. While things stood thus, the second respondent issued Form III notice under Section 5A of Land Acquisition Act intending to acquire the land admeasuring 66.55 square yards for public purpose, namely widening of the road, from Putlibowli Junction to M.J.Market Junction. A notification under Section 4(1) of the Act dated 01.11.2008 came to be issued to that effect. The petitioner claims to have submitted his objections dated 25.11.2008, which were over ruled. Challenging the same, the present writ petition came to be filed raising various grounds.

4. By an order dated 02.03.2009, this Court while issuing *rule nisi*, granted *status quo* to continue until further orders.

5. Today, when the matter is taken up for hearing, learned counsel for the second respondent placed on record material to show that subsequent to the filing of the writ petition, the petitioner filed representation dated 29.08.2014, seeking payment of compensation to her property stating that their neighboring property owners affected by road widening have already received compensation.

Pursuant thereto the Assistant City Planner, Circle-8, GHMC addressed an official letter dated 13.09.2014 for examination of the matter with regard to the payment of compensation by private negotiations. It is stated that basing on the letter of the Assistant City Planner, negotiations were conducted and an amount of Rs.32,35,050/- has been sanctioned as compensation. The material also shows payment of the above amount by way of cheques to the petitioner. The claimant/petitioner herein also submitted an affidavit acknowledging receipt of compensation in respect of the above property.

5. Having regard to the above, nothing survives for adjudication in the writ petition and the same is accordingly closed. There shall be no order as to costs.

6. Miscellaneous petitions, pending if any, shall stand closed in the light of this final order.

28.02.2017
vnb



JUSTICE C. PRAVEEN KUMAR