

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.910 OF 2007

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue an appropriate writ of mandamus declaring the inaction of the respondents in not paying the compensation to the petitioner for the land acquired for the purpose of constructions of Flyover at Nalgonda Cross Road, Malakpet, premises bearing No.16-8-932, dated 08.08.2005, admeasuring 361.81 sq.yards and bore well of 6” as illegal and arbitrary and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2. The brief facts of the case are as follows:

The respondents have acquired an extent of 195 sq.yards of land in the year 1982 for road widening, but have not paid any compensation thereon. The respondents again acquired 351.87 sq.yards of land in the year 2005 for construction of fly over and road widening though the actual effected land is more than, but no compensation was paid even though so many years have lapsed. Hence, the petitioner filed the present writ petition. When things stood thus, the petitioner proposed to construct a commercial building in the said premises and accordingly, she applied for building permission for which, the respondents asked her to remit an amount of Rs.1,55,68,155/- towards impact fee and other charges. Aggrieved by the same, she filed W.P.No.3591 of 2013 and this Court granted interim direction on 21.2.2013 directing

the respondents to process and deal with the application subject to payment of all other fees in full and payment of one third of the impact fee. Accordingly, she paid an amount of Rs.68,01,155/- on 05.09.2013, but the respondents have not granted permission till date. In the meanwhile, the developers have withdrawn from the development agreement and forced her to return the advance amount. She also lost interest to go ahead with the proposed construction. She obtained housing loan from the bank for payment of the building permission fee and paying huge interest to the bank. Because of the laches on the part of the respondents, she incurred heavy loss apart from family disputes. Therefore, she decided to drop the proposed construction and sought for return of the amount so paid to the respondents along with interest. She has also given a representation, dated 25.01.2016, to that effect.

3. Learned counsel appearing for the respondents also submitted that if the petitioner is not intending to proceed further with the construction as agreed, on the basis of the aforesaid representation, they will take a decision and pay the compensation to her.

4. Recording the said submission, the respondents are directed to pay the compensation to the petitioner herein, basing on the representation, dated 25.01.2016, within a period of three (3) months from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

03.04.2017
AMD



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Date: 03.04.2017

AMD