

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.46537 OF 2016

Dated:02.01.2017

Between:

Venkata Nagaraju, S/o. P. Nagaiah,
Aged 47 years, Occ: Head Constable,
R/o. Plot No.18/A, Sy.No.491,
Ayodyanagar, Christianpally Village,
Mahabubnagar District and others

.. Petitioners

And

The State of Telangana, rep., by its
Principal Secretary, Municipal
Administration Development,
Secretariat, Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.46537 OF 2016

ORDER:

Heard. With the consent of learned counsel for the parties, this Writ Petition is being disposed of at the stage of admission.

2. This Writ Petition is filed for the following relief:

“.. to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, by declaring the action of respondent Nos.3 and 4 in trying to dispossess the petitioners from their respective houses for the purpose of bypass road without following due process of law and without consideration of the representation of the petitioners dated 19.12.2016, as illegal, arbitrary, violative of Articles 14, 19 and 21 of the Constitution of India and against the principles of natural justice and consequently to direct the respondents to stop the proposal of laying bypass road through the houses of the petitioners i.e., Akshara Colony, Ayodhya Nagar and Vidyanagar of Mahabubnagar Municipality by considering their representation dated 19.12.2016 and pass such other order or orders as may deem fit and proper in the circumstances of the case.”

3. Though the prayer does not refer to the content of the representation, dated 19.12.2016, as seen from it, the relief sought for by the petitioners is primarily on the issue of shifting of bypass road from the present location as originally planned in the year 2007 and following due process to acquire their properties.

4. When the said aspect is specially pointed out, learned counsel for the petitioners, on instructions, submits that the petitioners are not pressing the relief of shifting of the road as originally sought and confine their grievance only with reference to

following of due process before acquiring of their properties for the purpose of formation of bypass road.

5. Learned counsel representing the respondents do not dispute the claim of the petitioners that due process is required to be followed before acquiring the private properties for public purpose.

6. Having regard to the same, the Writ Petition is disposed of directing the Superintending Engineer, Roads and Buildings, Mahabubnagar District, the 4th respondent, and his subordinates to follow the due process, if not already followed, before acquiring the private properties for public purpose i.e., formation of bypass road in Mahabubnagar Town and payment of due compensation before displacing them in accordance with law. There shall be no order as to costs.

Miscellaneous petitions, if any, filed in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:02.01.2017

Note: Issue C.C. by 03.01.2017

(B/o)

KH