

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
WRIT PETITON Nos 36687, 37055, 37383, 37385, and
WP.No.40580 OF 2017

COMMON ORDER:

In all these cases, the grievance of the petitioners is that they are owners of subject properties mentioned in the respective writ petitions. In some cases, the petitioners have been issued notices to give consent for acquiring land and in some cases, the petitioners are claiming that they have not been issued any notice. The main grievance is that without following due process of law, the respondent-authorities are trying to demolish the structures of the petitioners for the purpose of road widening and construction of Flyover.

Sri Sampath Prabhakar Reddy, Learned Standing Counsel for respondent-Corporation produced written instructions stating that following steps have been taken before the properties of the petitioners are taken over:

1. Land compensation will be paid as per registration market value + 100% solatium as per new Land Acquisition Act, 2013, dated 01-01-2014.
2. Structural compensation will be paid as per R&B schedule rates +100 Solatium.
3. In view of land value relaxation of TDR (Transfer of Development right)/relaxation of setbacks/extra one floor as per G.O.Ms.No.168, MA,dated 07-04-2012 under clause 16 a & b are being given.
4. In case of Government properties, compensation will be paid as per G.O.Ms.No.275 MA &UD dated 27-11-2017 i.e. exgratia for land (Market Value) and structure value.

In view of the same, where the petitioners have not consented for acquisition of the properties, the respondents have to follow due process of law as envisaged under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Only after following the said procedure, the respondent-authorities shall demolish and evict the petitioners from their respective properties. In case the petitioners give consent for acquisition, the respondent-authorities may proceed further on the basis of consent given by them.

With the above directions, the writ petitions are disposed of. As a sequel to the disposal of these petitions, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

04-12-2017
Nvl





