

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.41543 of 2017

ORDER:

In this writ petition, under Article 226 of the Constitution of India, the challenge is to the notice, dated 16.11.2017, whereby the Deputy Commissioner, Town Planning Section, Circle No.27, North Zone, Greater Hyderabad Municipal Corporation (GHMC), Alwal, informed the petitioner as follows:

“Duly implementing the orders of the Hon’ble High court as stated above it is to inform that your property vide H.No.1-18-55/16, Situated at MES Colony, Alwal is causing obstruction to the free flow of water/drain. Therefore it is requested to hand over the effected portion required for widening of nala for free flow of water/drain, failing which action will be initiated for removal of the affected area. The structural compensation and land compensation will be given to the property owners whose properties are getting effected under removal of nala encroachments as per rules in force.”

2. I have heard the submissions of Sri *S.Lakshmikanth*, learned counsel for the petitioner, the learned Government Pleader for Irrigation appearing for the 1st respondent, Sri *Chatla Madhu*, learned Standing Counsel representing the GHMC, appearing for the respondents 2 & 3, and of Sri *Y.Rama Rao*, learned Standing Counsel representing the HMDA, appearing for the 4th respondent. I have perused the material record.

3. Learned counsel for the petitioner would submit that first a notice, dated 31.10.2017, was issued complaining that the petitioner encroached a Nala and that the encroachment is to be removed and that on that, the petitioner submitted an explanation, dated 06.11.2017, and that thereafter, pursuant to the orders in W.P.M.P.No.42127 of 2017 in W.P.No.34149 of 2016, this present

impugned notice is issued threatening to demolish the properties of the petitioner even without determining the effected area and taking appropriate proceedings for acquisition of the affected area out of the property of the petitioner.

4. Learned Standing Counsel appearing for the respondents 2 & 3 would submit that the respondents 2 & 3 would follow the procedure established by law and, if necessary, would acquire the property, which is necessary for widening of the Nala and pay appropriate compensation and that till such exercise is completed, no demolition activity would be taken up.

5. Recording the submissions, the Writ Petition is disposed of directing the respondents 2 & 3 not to demolish the subject property or any part thereof of the petitioner, except after following the procedure established by law and acquiring the necessary extent of the property from out of the property of the petitioner, if necessary, by following the procedure established by law.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 14th December, 2017

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