

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.2404 of 2018

ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Municipal Administration for respondent No.1, Sri S.D.Goud, learned Standing Counsel for respondent No.2 from oral instructions and learned Government Pleader for Revenue for respondent No.3. Perused the prayer in the writ petition with the supporting affidavit and other material on record.

2. The prayer in the writ petition reads as follows:

“..... to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of respondents in proposing to demolish the property of the petitioners “Hotel Sindhu Towers” bearing D.No.18-1021 to 18-1025 for the purpose of widening the Prakasam High road in Chittoor Town, without issuing any notices to the petitioners and without initiating any action under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as illegal and contrary to law and violative of Article 300-A of the Constitution of India and violative of Article 21 of Constitution of India and also violative of principles of natural justice and for a consequential direction to the respondents not to interfere with the rights of the petitioners over their property “Hotel Sindhu Towers” bearing D.No.18-1021 to 18-1025 except by due process of law and except in accordance with Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and to pass such other order or orders

as this Hon'ble Court may deem fit just and proper in the circumstances of the case.”

3. The petitioners filed along with writ petition the document of title prima facie in claiming the Hotel Sindhu Towers is situated in door bearing No.18-1021 to 18-1025 in the private property of the petitioners covered by the registered sale deeds of 2001, 2002 in an extent of 7,512 sq. feet and covered by approved building plan and permission with five floors building and the allegation is that the hotel building was regularised by the Municipal Corporation under B.P.S. Scheme, dated 21.10.2010, and the respondents, under the guise of road widening, are trying to take law to their hands and contemplating to demolish part of the building and if they are allowed to do so by taking law into their hands, they put to loss and hardship.

4. This Court passed the interim order, dated 29.01.2018, which reads as follows:

“Heard the learned counsel for the petitioner and at request of the learned Govt. Pleader for Municipal Administration for R.1, Sri S.D.Goud, the learned counsel for R.2 who offers to appear and to get written instructions and the learned Govt. Pleader for revenue for R.3, while posting the matter to 26.02.2018 in the motion list, in the meantime, there shall be **interim direction** not to demolish the ‘Hotel Sindhu Towers’ of the petitioner with D.No.18-1021 to 18-1025 except through due process of law.”

5. It is the submission of the learned Standing Counsel for respondent No.2 that they will demarcate and if at all there is any

property to be acquired, they will follow the procedure contemplated under Sections 146 & 147 of Greater Hyderabad Municipal Corporation Act, 1955.

6. By recording the same, the interim order is made absolute and the writ petition is disposed of by directing the respondents not to dispossess the petitioners and not to demolish any of their private property except through due process of law.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

26th February 2018

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Dr. B. SIVA SANKARA RAO, J

