

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.2156 of 2008ORDER:

This is the classic instance where the time and effort of the Petitioners, Courts and the Official machinery being frittered away.

The struggle of the petitioner with the respondent authorities is for payment of compensation for 8 square yards of land, which was affected in the process of road widening.

The assertion of the Writ Petitioner is that she is the absolute owner and possessor of premises bearing Municipal No.18-3-715 admeasuring 47 square yards situated at Chatrinaka, Hyderabad and adjacent to her premises, there used to be a premises bearing Municipal No.18-3-716 belonging to one late Smt Saiyamma. In the process of road widening between Laldarwaza to Chandrayangutta, the respondent authorities had acquired the property of late Saiyamma, duly initiating acquisition proceedings and demolished the same in the month of September, 2005. In the process of demolition thereof, part of the petitioner's premises towards northern side i.e., 08 square yards, was also utilized for the purpose of road widening by laying footpath. The petitioner, being old, rustic lady, economically very poor, illiterate and unaware of legal process, could not protest the illegal demolition of the structures. The action of the respondents is illegal and the petitioner is put to lot of agony and financial loss. As part of the property was demolished, the petitioner had to incur an amount of Rs.30,000/- for re-structuring the wall and roof. The land value as on the date of acquisition was Rs.20,000/- per

square yards. Therefore, in all, the petitioner is entitled for a sum of Rs.1,90,000/- along with interest at 24% from September, 2005.

The petitioner also approached the authorities concerned for sketch plan issued by Respondent No.3 under the Right to Information Act about the demolition of the part of her premises, wherein it can be clearly seen that the property of the petitioner is affected. In those circumstances, the petitioner prays for a Writ of Mandamus directing the respondent authorities to pay compensation for 08 square yards of land and the structures along with interest at 24%.

Though the writ petition pertains to the year 2008, no Counter Affidavit is filed by the respondents specifically denying any of the allegations made in the Writ Petition.

To put a quietus to the matter, the learned Standing Counsel was directed to obtain instructions.

Sri Pasham Krishna Reddy, learned Standing Counsel for Greater Hyderabad Municipal Corporation, on instructions, submits that the Court may pass appropriate orders by taking into consideration the material on record.

As stated supra, though the Writ Petition is of 2008, no counter affidavit is filed denying any of the averments in the Writ Affidavit. The petitioner had also filed the Deed Settlement, under which she came to acquire the small piece of land. Before approaching this Court, the petitioner got issued the Legal Notice to the respondent authorities on 17.11.2017 and the same was not replied to. In those circumstances, in

the light of the settled principles, what has been stated in the affidavit, on oath, before this Court would have to be taken to be true, particularly there being no affidavit denying the specific averments before this Court.

In those circumstances, this Writ Petition is allowed with a direction to the respondent authorities to assess the compensation i.e., payable, by taking into consideration the compensation paid to the neighbouring property owner both for land and for structures and such compensation shall be paid with interest at 9% per annum for the first year and 15% thereafter by applying the analogy of granting interest under the Land Acquisition Act, 1894. Since the petitioner was aged about 45 years by the date of filing the Writ Petition and 10 years has been elapsed, the entire exercise shall be completed within a period of Six weeks (06) from the date of receipt of a copy of this Order.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

Dt: 05-11-2018
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CHALLA KODANDA RAM,J

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