

THE HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No. 26640 of 2013

ORDER:

This Writ Petition is filed to declare the action of the respondents Nos. 1 and 2 in seeking to demolish the shops in possession of petitioners viz., premises bearing No.3-5-1137 and 3-5-1137/2 situated at Kachiguda, Hyderabad under the provisions of Land Acquisition Act without making markings, as illegal and arbitrary.

2. The case of the petitioners is that they are tenants of third respondent and doing their respective businesses in the shops situated in the subject land. The subject land is required for Metro Rail Project. Notification under Section 4 (1) of the Land Acquisition Act, was issued on 23.4.2012 seeking to acquire the subject premises for the purpose of road widening. As per the said notification, the shops in which the petitioners are doing businesses are affected. The petitioners made representations requesting the authorities to make markings with regard to affected portion of property, so as to enable them to make arrangement for making the premises suitable for doing business.

3. On 13-09-2013, this Court issued an *interim* direction as

As seen from the documents filed along with the Writ Petition, notice under Sections 9 (3) and 10 of the Act was issued calling upon the persons interested to appear and to file claims of interest. The representations of petitioners show that they seek to demarcate the area that is sought to be taken possession so that the remaining portion can be protected. Learned counsel for the petitioners has relied upon the order of this Court in W.P.No. 6320 of 2011 dated 29-11-2011. The said Writ Petition was disposed of directing the respondents therein to demolish the structures which are required for demolition in view of the consent given by the petitioner therein and in those circumstances, the corporation is directed not to object the petitioner for putting up shutters after demolishing the structures. Learned counsel for the petitioner has also placed reliance on the decision in ***Ushodaya Publications, Hyderabad, Vs. Commissioner, Municipal Corporation of Hyderabad and another***¹, to contend that possession of land cannot be taken without taking course to Hyderabad Municipal Corporation Act or Land Acquisition Act.

4. No counter has been filed by the respondents till now.

5. In view of the facts and circumstances of the case, the petitioners are given liberty to file representation to respondent

representation, respondent No. 1 is directed to consider the same and pass appropriate orders thereon in accordance with law within a period of eight weeks thereafter after giving due opportunity to both the petitioners and the owners of the subject shops.

6. The Writ Petition is disposed of accordingly. Pending miscellaneous petitions, if any, shall stand closed in consequence. No costs.



KONGARA VIJAYA LAKSHMI, J.

Date:20-12-2018
slk

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