

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.8360 of 2018

ORDER:

Questioning the action of the 3rd respondent-Special Deputy Collector, Land Acquisition in not considering the objections raised by the petitioner properly, the present Writ Petition is filed.

The grievance of the petitioner is that it is the absolute owner and possessor of the land in Sy.No.59/19 admeasuring 3000 sq.yards in All-Uddin Industrial Colony at Sanath Nagar, Hyderabad, having purchased the same under a registered sale deed dated 05.07.1971 and constructed a church along with the compound wall. On an earlier occasion, it has already foregone 16 feet, out of 20 feet set back, for construction of Fathenagar Flyover and now the Church has only setbacks of 4 feet.

While the things stood thus, the 3rd respondent issued Notification dated 12.06.2017 under Section 11(1) of the Act 30 of 2013 for acquisition of land of the petitioner church for widening the road into 40 feet, which affects the structures of the church as well as the compound wall. Therefore, the petitioner-church submitted its objections dated 18.07.2017 before the 3rd respondent, but the same was rejected. Thereafter, the petitioner submitted the representation dated 10.11.2017 to the 4th respondent. However, without considering the said representation of the petitioner church, the respondent authorities are proceeding with the acquisition. Hence, the present Writ Petition.

Learned counsel for the petitioner submits that on earlier occasion, the Church has already foregone 16 feet and now, it is willing to demolish upto the compound wall, whereas the

respondents are requiring the petitioner to demolish the portico also. If portico is demolished, there is every likelihood of the entire structure getting affected. In those circumstances, the petitioner prays that the 3rd respondent, may be directed to consider his request not to demolish the portico, before taking further action.

Considering the innocuous prayer, which the petitioner seeks and considering the submission made on behalf of the petitioner that the petitioner-church would not claim any compensation for the land that is getting affected, there shall be a direction to respondents 2 to 4 to consider the representation of the petitioner and take a decision within six weeks from the date of receipt of a copy of this Order. Till then, there shall not be any demolition of the portico of the petitioner-Church.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, Miscellaneous Petitions pending, if any, in this Writ Petition, shall stand closed.

CHALLA KODANDA RAM, J.

Date: 16.03.2018.

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