

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.23475 of 2016

ORDER:

This writ petition is filed seeking the following relief:

“..to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd and 3rd respondents in taking steps to demolish the Hazrat Syed Sha Khadari (RA) Hazrat Syed Ali Hussain Shakhadari (RA) (WAKF) of the petitioner situated at Vijayawada without following the guidelines issued under G.O.Ms.No. 243 MA & UD (J1) Department dated 28.06.2011 and also the procedure contemplated under the provisions of Greater Hyderabad Municipal Corporation Act, 1955 as illegal, arbitrary and violative of Article 21 of the Constitution of India and consequently direct the respondent to follow the procedure contemplated under the provisions of Greater Hyderabad Municipal Corporation Act, 1955 and pass such other order or orders as are deemed fit and proper under the circumstances of the case.”

2. At the hearing, learned counsel for the petitioner and learned Standing Counsel appearing for the respondent Corporation are in agreement that the issue involved in this writ petition is squarely covered by the orders of this Court, dated 28.11.2017, in W.P.No.39978 of 2017, which was rendered by following the decision of this Court, dated 17.11.2017, in W.P.No.38748 of 2017. A copy of the order, dated 28.11.2017, is placed on record.

3. Having regard to the submissions, the Writ Petition is disposed of directing the respondent authority not to interfere with or demolish the subject property of the petitioner, except by following the procedure established by law; and, if necessary, without acquiring the property of the petitioner to the required extent by following the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No.30 of 2013). This order shall not preclude the petitioner from participating in negotiations, if so desires and if so advised, in view of the terms of G.O.Ms.No.119.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

M. SEETHARAMA MURTI, J

Date: 03.01.2018
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