

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.31101 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, for the following relief:

“To issue a Writ one in the nature of Writ of mandamus or any other appropriate Writ Direction or Order a declaring the action of the respondents in trying to dispossess the petitioner from an extent of 1600 square yards of land out of Ac 3 02 guntas in survey no 78 paiki situated in Shaikpet village Hyderabad for road widening purpose without following the due process of law and without paying compensation as illegal arbitrary and violative of Article 300A of the Constitution of India and consequently direct the respondents to follow the due process of law for acquisition of the said extent of land and pay compensation as per law b declaring the action of the respondents in acquiring an extent of 1000 square yards of land out of Ac 3 02 guntas in survey no 78 paiki situated in Shaikpet village Hyderabad in the year 2005 without following the due process of law and without paying compensation as illegal arbitrary and violative of Article 300A of the Constitution of India and consequently direct the respondents to follow pay compensation as per law for acquisition of the said extent of 1000 square yards as per law.”

2. According to the petitioner, his father one late Sri M.Narasimha purchased an extent of Ac.3-02 guntas in Sy.No.78 (palki) situated in Shaikpet Village, Hyderabad. After deducting admissible extent under the provisions of Urban Land Ceiling Act, rest of the property was declared surplus by the competent authorities and the appellate authority also confirmed the same. Questioning the said proceedings under the Urban Land Ceiling Act, petitioner's father and four others filed W.P.No.14375 of 2002. This Court disposed of the said writ petition by way of an order

dated 16.06.2010 holding that the entire proceedings and the consequential notification under Section 10 (3) and notice under Section 10 (5) of the Act as well as order under Section 9 of the Act dated 03.09.1987 would abate and they cannot be enforced. According to the petitioner, the said order attained finality. It is the grievance of the petitioner in the present writ petition that pending above proceedings the Municipal Corporation took possession of an extent of 2,600 sq yards out of the said land and laid roads also.

3. It is contended by the learned counsel for the petitioner that in view of the order passed by this Court in W.P.No.14375 of 2002 petitioner herein is entitled for compensation towards the said extent of land wherein the Corporation laid the roads.

4. Admittedly, the entire proceedings initiated against the subject property were set aside by this Court in W.P.No.14375 of 2002 and the order in W.P.No.14375 of 2002 attained finality. It is also to be noted that praying for payment of compensation for the land acquired by the second respondent, petitioner herein submitted a representation to the second respondent on 09.11.2013 enclosing a copy of the order in W.P.No.14375 of 2002. According to the learned counsel, despite the said representation no action whatsoever has been taken by the respondents in the direction of redressing the grievance of the petitioner herein.

5. Having heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent Corporation, this Court in the facts and circumstances of the case, deems it appropriate to direct the respondents herein to initiate the proceedings under the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and to pay compensation to the

petitioner herein for the land acquired. This exercise shall be completed within a period of six months from the date of receipt of a copy of this order.

6. Writ petition is accordingly disposed of. As a sequel, the miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:01.08.2018
grk





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Dated: 01.08.2018

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