HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
THE HON'BLE SMT. JUSTICE T. RAJANI

WRIT APPEAL No.1223 of 2018
And
WRIT PETITION No. 30945 of 2018

Common Judgment: *(per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

This Writ Appeal is against an interlocutory order passsed during the course of pendency of a Writ Petition filed by the appellant.

2. The appellant-writ petitioner's grievance is that his land is attempted to be encroached upon by the Greater Hyderabad Municipal Corporation (GHMC). This plea is built upon the fact that the GHMC issued to the appellant the format of a consent letter requiring him to sign the consent. The learned Single Judge has passed the impugned interlocutory order directing that the compensation shall not be paid to any person.

3. The fact of the matter remains that the challenge levied by the appellant before the learned Single Judge is to the proposal of GHMC to take his land otherwise than by following the due process of law.

4. Heard the learned counsel for the appellant-writ petitioner and the learned Standing Counsel for the GHMC. It is submitted by the learned Standing Counsel for the GHMC that while it is true that the appellant was issued the format of a consent order; if the appellant does not consent to such process, the GHMC will not take the possession of the property, except, in accordance with due process of law in terms of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013. We record this submission.

5. In the light of the aforesaid, the impugned order is vacated and it is directed that the parties to this litigation will be governed by what is recorded hereinabove. The Writ Appeal is, accordingly, disposed of.

6. Having regard to what has been recorded above, nothing remains in the Writ Petition. The said Writ Petition is closed without prejudice to any contentions.

7. In the result, W.A. No. 1223 of 2018 is disposed of and W.P. No. 30945 of 2018 is closed.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

T. RAJANI, J

Date: 19th September, 2018

Note:
Furnish c.c. in two days.
b/o
pnb