

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.2187 of 2019

ORDER

Heard learned counsel for the petitioners, learned Government Pleader for Municipal Administration and Urban Development for respondent No.1, learned Government Pleader for Revenue for respondent Nos.2 and 6 and Sri Sampath Prabhakar Reddy, learned Standing Counsel for respondent Nos.3 to 5.

2. This writ petition is filed seeking a writ of mandamus to declare the action of the 3rd respondent in issuing notice dated 25.01.2019 under Section 146 of the Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') directing the petitioners to handover the advance possession of the affected portion of their property to the GHMC, without considering their representations dated 04.04.2018, as illegal and arbitrary, and to direct respondents 2 to 6 not to demolish their building structures situated at Chandanagar Old Bombay Road, Sherilingampally Municipality, Ranga Reddy District, without following due process of law.

3. Petitioners asserted that the 3rd respondent issued a notice dated 25.01.2019, under Section 146 of the Act calling upon them to exercise option for acquisition of the affected portion of their property to the GHMC for the purpose of road widening from Chandanagar to Ameenpur within GHMC limits and for compensation in terms of G.O.Ms.No.330 dated 28.12.2017.

4. The grievance of the petitioners is limited. This Court had repeatedly held that in the event the owner of the property is not willing to avail the benefit under G.O.Ms.No.330 dated 28.12.2017 by accepting the compensation/TDR (400%) offered by the GHMC, the respondents shall necessarily follow due procedure prescribed under Section 147 of the Act, which mandates issuance of the notice in terms of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

5. In those circumstances, the Writ Petition is disposed of, directing the respondents to follow the procedure prescribed under Section 147 of the Act and take possession of the property. It is made clear that in the event any one of the petitioners is willing to take compensation in terms of G.O.Ms.No.330 dated 28.12.2017 offered by the GHMC, this order is not applicable to him/her. No order as to costs.

6. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

CHALLA KODANDA RAM, J

8th February, 2019

sj