

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.3021 of 2019

ORDER:

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

2. This writ petition is filed seeking a writ of mandamus to declare the action of the 3<sup>rd</sup> respondent in issuing notice, dated 25.01.2019, under Section 146 of the Hyderabad Municipal Corporation Act, 1955 (for short "the Act") directing the petitioner to handover the advance possession of the affected portion of his property to the GHMC, without taking measurements and without paying compensation under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as illegal and arbitrary, and to direct respondents 2 and 3 not to interfere with the possession and enjoyment of the petitioner over his house property, viz., H.No.1-36/9, Chandanagar Village, Serilingampally Mandal, Ranga Reddy District, without following due process of law.

3. Petitioner asserted that the 3<sup>rd</sup> respondent issued a notice, dated 25.01.2019, under Section 146 of the Act calling upon him to exercise option for acquisition of the affected portion of his 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 petitioner 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 the petitioner is willing to take compensation in terms of G.O.Ms.No.330, dated 28.12.2017, offered by the GHMC, he be paid the same. No order as to costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

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CHALLA KODANDA RAM, J

18<sup>th</sup> February, 2019  
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