

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

**WRIT PETITION Nos.5012, 5260, 5420, 5641, 7000, 7022,
7401, 7423, 7486 and 10833 of 2019**

COMMON ORDER:

Heard.

2. In all these writ petitions, petitioners claim to be the owners of their respective properties located in Road No.45 of Jubilee Hills, Hyderabad. They are aggrieved by the action of the respondent-authorities in trying to deprive the petitioners of their right to title and possession over their respective properties without following due procedure for acquisition established under law and hence they seek declaration and consequential direction to the respondent-authorities not to interfere and disturb their possession over their respective properties.

3. On perusal of the material paper book of W.P.No.10833 of 2019, it appears that on 28.12.2017, the Greater Hyderabad Municipal Corporation (GHMC) issued notice to the petitioner in the said writ petition informing him that his land to an extent of 149.87 Sq.Yards forming part of plot No.1182 situated at Road No.45, Jubilee Hills, is being affected under the proposed road widening from 80' to 120' from Road No.45 Junction to Ambedkar University, Jubilee Hills. As such, a request was made to give consent under Section 146 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the GHMC Act') to part with the property. Petitioner responded to the said notice on 12.02.2018 declining to give consent to part with his property and sought for following due procedure for acquisition of a private land for public purpose. It appears, similar such notices were served on all the

petitioners and all the petitioners have refused to part with their respective properties owned by them.

4. This Court passed interim orders directing the respondents not to interfere with the possession and enjoyment of the petitioners over their respective properties without following the procedure prescribed under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act of 2013') and making payment of compensation to the petitioners under the said Act.

5. Learned Standing Counsel for GHMC placed before this Court, the para-wise remarks submitted to him and documents enclosed thereto.

6. From a reading of the para-wise remarks, it is apparent that on failure of the property owners to give consent/part with their properties, as per Section 146 of the GHMC Act, while resorting to Section 147 of the GHMC Act, the Commissioner requested the Land Acquisition Officer to initiate proceedings for acquisition of the private properties under the Act of 2013. A requisition in Form-B addressed to the District Collector is also enclosed to the para-wise remarks. From the reading of this Form-B, it is apparent that as the individual property owners failed to give consent for resolution of the issue and to part with their properties, request is made for taking steps in accordance with the provisions of Act of 2013.

7. Since the property owners have not consented for parting their properties under Section 146 of the GHMC Act, there is no other option to the respondent-Corporation but to request for

acquisition of the properties and as a consequence to initiate proceedings as per the provisions of the Act of 2013.

8. Therefore, granting liberty to the GHMC and the Land Acquisition Officer to follow the procedure prescribed for acquiring the private properties for public purpose, the writ petitions are disposed of. The respondents are further directed not to interfere with the possession and enjoyment of the petitioners over the subject properties without following the due procedure as required by the Act of 2013 and payment of compensation payable to them in accordance with the provisions of the Act of 2013.

Miscellaneous Petitions pending in these Writ Petitions, if any, shall stand closed.

10th June, 2019.
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P.NAVEEN RAO, J

