

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 9328 OF 2019

ORDER:

The case of the petitioner is that she is the owner of the landed property in an extent of 1500 square yards covered by H.No. 18-1-292/181, Plot Nos. 181 to 186 in Survey No. 83/P, 84/P and 85/P situated at Shivaji Nagar, Uppuguda, Hyderabad. She claims to have constructed a house in an extent of 500 square yards. Her further case is that she had purchased the said land through *sada bainama* and the respondent – Corporation in the process of widening the *nala* existing adjacent to their land, are damaging the construction raised by her without compensating therefor. She also submits that she has no objection for widening the *nala* if the procedure prescribed in law is followed.

Heard learned counsel for the petitioner.

Learned Standing Counsel for the Corporation would submit that the petitioner has no right over the property and in fact, she had encroached into the *nala* and made the subject construction. In spite of the same, the Corporation is willing to pay the value of the structures, adds the learned Standing Counsel. He further submits that compensation for the land also would be paid, provided the petitioner establishes her right thereon.

In the light of the above said submissions, as Article 300-A of the Constitution of India guarantees a citizen right to his / her property, if the property of the petitioner is required for widening or re-construction of *nala*, the Corporation would certainly be entitled to acquire the same, but however, by conducting an enquiry duly affording an opportunity to the petitioner to place the material documents evidencing her right and title over the property so as to

enable the Corporation to assess the value. In case, the value, as offered by the Corporation is not acceptable to the petitioner, necessary steps be taken in accordance with law, i.e. by initiating the proceedings under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Needless to say, meanwhile, the petitioner's possession and enjoyment over the subject property shall not be interfered with.

The Writ Petition, with this order, is disposed of. No costs.

The miscellaneous Applications, if any shall stand closed.

14th August 2019

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CHALLA KODANDA RAM, J

