

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 10312 of 2019

ORDER:

This Writ Petition is filed for the following relief:

“....to issue a writ Order or direction more particularly one in nature of Writ of Mandamus declaring the actions of the Respondents 2 and 3 in demanding the Petitioners to give consent and handover the possession of their properties i) H.No.1112/8 on Plot No.8 in Sy.No.59 admeasuring 120 Sq yards situated at Kondapur Village Serilingampally Mandal Hyderabad belonging to Petitioner No.1 ii) H No 1112/5 admeasuring 120 Sq yards situated at Kondapur Village Serilingampally Mandal Hyderabad belonging to Petitioner No.2 iii) H No 1112/4 on Plot No 20 in Sy No 59 admeasuring 120 Sq yards situated at Kondapur Village Serilingampally Mandal Hyderabad belonging to Petitioner No.3 iv) H No 1112/19 admeasuring 120 Sq yards situated at Kondapur Village Serilingampally Mandal Hyderabad belonging to Petitioner No 4 v) H No 1112/21 in Sy No 62 admeasuring 120 Sq yards situated at Kondapur Village Serilingampally Mandal Hyderabad belonging to Petitioner No 5 vi) H No 1112/22 admeasuring 120 Sq yards situated at Kondapur Village Serilingampally Mandal Hyderabad belonging to Petitioner No.6 vii) H. No.1112/9 in Sy No 59 admeasuring 120 Sq yards situated at Kondapur Village Serilingampally Mandal Hyderabad belonging to Petitioner No.7 viii) H No 1112/3 on Plot No 3 in Sy No 61 and 62 admeasuring 120 Sq yards situated at Kondapur Village Serilingampally Mandal Hyderabad belonging to Petitioner Nos.8 and 9 ix) H No 1112/11 admeasuring 120 Sq yards situated at Kondapur Village Serilingampally Mandal Hyderabad belonging to Petitioner No.10 x) H No 1112/2 admeasuring 120 Sq yards situated at Kondapur Village Serilingampally Mandal Hyderabad belonging to

Petitioner No.11 xi) H No 1112/20 Plot No 42 part admeasuring 55 Sq yards situated at Kondapur Village Serilingampally Mandal Hyderabad belonging to Petitioner No 12 and H No 1112/17 admeasuring 120 Sq yards situated at Kondapur Village Serilingampally Mandal Hyderabad belonging to Petitioner No 13 xii) is the owner of H No 1112/18 in Sy No 59 admeasuring 120 Sq yards situated at Kondapur Village Serilingampally Mandal Hyderabad as illegal arbitrary and in violation of Principles of Natural Justice and also in violation of Articles 14, 21 and 300A of the Constitution of India in the interest of justice.”

When the matter is taken up, it is submitted by the learned counsel for the petitioners that the issue raised in the present Writ Petition is squarely covered by the order dated 13.09.2019 passed by this Court in Writ Petition No. 19687 of 2019.

Learned Standing Counsel for Greater Hyderabad Municipal Corporation appearing for respondent Nos.2 and 3 does not dispute the aforesaid submission.

Relevant portion of the aforesaid order reads as under:

“In those circumstances, the writ petition is disposed of with the direction to the respondent authorities not to interfere with the peaceful possession and enjoyment of the petitioners over the property in question, without following the procedure prescribed under Section 146 of the Act and without complying with Section 38 of Act 30 of 2013. It is made clear that entitlement of the compensation is subject to the right and title of the petitioners over the subject plots.”

In those circumstances, following the above said order and for the reasons recorded therein, this Writ Petition is also disposed of in terms thereof.

Miscellaneous Petitions, if any pending, shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

5th NOVEMBER, 2019.

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