

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No. 13377 OF 2019

DATED :03.07.2019

Between :

Smt D. Charumathi W/o.Sri D.Seshagiri Rao,
Age 74 yrs, Occu : Housewife, R/o.Plot No.995,
Road No.46, Jubilee Hills, Hyderabad,
Rep., by his GPA Holder Sri D.Vidyasagar,
S/o.Sri D.Seshagiri Rao, Aged 56 yrs, Occu : Business,
R/o.Plot No.995, Road No.46,
Jubilee Hills, Hyderabad

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Petitioners

And

The State of Telangana,
Rep., by its Principal Secretary,
Municipal Administration & Urban Development Department,
Secretariat Buildings, Hyderabad & others.

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Respondents

This court made the following :

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO**WRT PETITION No.13377 OF 2019****ORDER:**

Heard.

2. In this writ petition, petitioner claims to be the owner of Plot No.1335/A admeasuring 1020 Square yards located in Road No.45 of Jubilee Hills, Hyderabad. He is aggrieved by the action of the respondent-authorities in trying to deprive the petitioner of his right to title and possession over his property without following due procedure for acquisition established under law and hence he seeks declaration and consequential direction to the respondent-authorities not to interfere and disturb his possession over his property.

3. On perusal of the material paper book it appears that on 20.04.2018, the Greater Hyderabad Municipal Corporation (GHMC) issued notice to the petitioner informing him that land to an extent of 221.29 Sq.Yards forming part of his property situated at Road No.45, Jubilee Hills, is being affected under the proposed road widening 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 declined to give consent to part with his property and sought for following due procedure for acquisition of a private land for public purpose. Petitioner submitted her reply on 20.05.2019 for the notice dated 20.04.2018.

4. Based on instructions learned Standing Counsel for GHMC would submit that as the property owner did not give consent/part with his property, as per Section 146 of the GHMC Act, steps are being taken to acquire property by following due procedure.

5. In W.P.No.5012 of 2019 & batch, correspondence for acquisition was produced by learned Standing counsel. The correspondence would disclose that 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. 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.

6. Since the property owner has not consented for parting with his property under Section 146 of the GHMC Act, there is no other option to the respondent-Corporation but to request for acquisition of the property and as a consequence to initiate proceedings as per the provisions of the Act of 2013.

7. 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 Petition is disposed of. The respondents are further directed not to interfere with the possession and enjoyment of the petitioner over the subject property without following the due procedure as required by the Act of 2013 and payment of compensation payable to him in

accordance with the provisions of the Act of 2013. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

3rd July, 2019.
Rds

