

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

W.P.No.13653 OF 2019

Date: 5.7.2019

Between :

Ponraj Sudharsan

Petitioner

And

State of Telangana, rep. by its
Principal Secretary,
Municipal Administration & Urban
Development Department, Secretariat,
Hyderabad and others.

Respondents



This court made the following :

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ORDER:

Heard the learned counsel for petitioner, learned Government Pleader for Respondent No.1 and learned Standing Counsel for GHMC for Respondents 2 to 4 and perused the material available on record.

2. Petitioner claims to be owner and possessor of house property covered by Plot No.887, bearing Door No.8-2-293/82/A/887 situated on Road No.45, Jubilee Hills, Hyderabad. By notice dated 18.12.2017, the owner of the property was asked to give consent for taking over portion of the property belonging to him for road widening purpose under Section 146 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'GHMC Act')

3. According to the petitioner, the previous owner could not give consent for such course of action. Petitioner purchased the property on 11.7.2018 and after purchase, petitioner was informed by the erstwhile owner about the notice communicated to him. On receipt of copy of the notice, petitioner also filed objections on 4.2.2019. 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.

4. On instructions, learned Standing Counsel for GHMC would submit that as the property owner did not give consent/part with their properties, 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 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013 (for short '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.

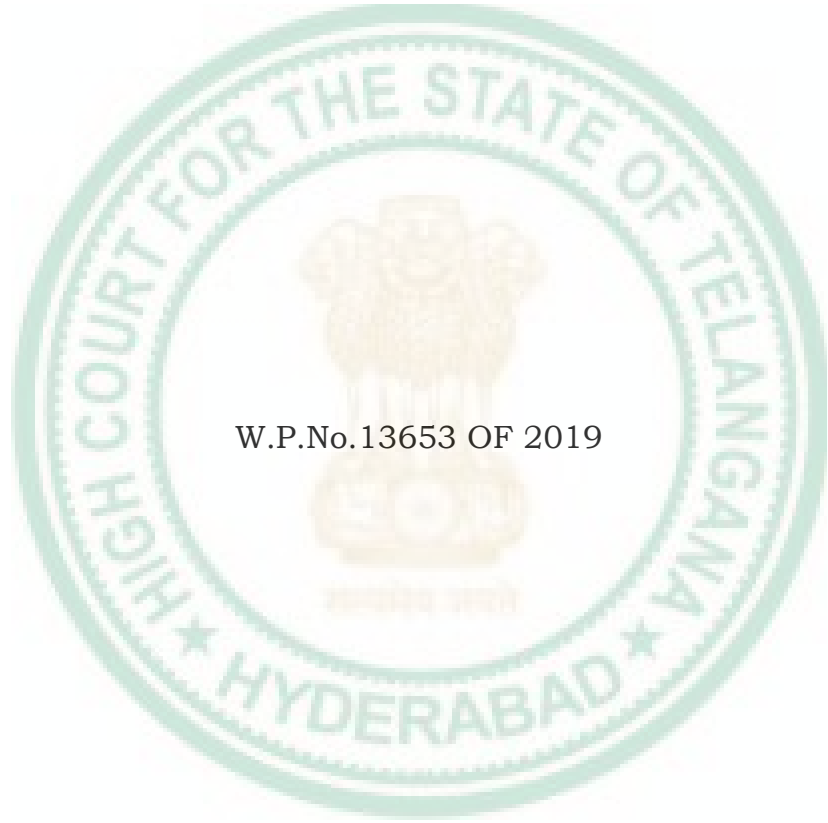
6. Since the property owners have not consented for parting their properties under Section 146 of the GHMC Act, there is no other option to the respondent-Corporation but to request for acquisition of the properties and as a consequence to initiate proceedings as per the provisions of the Act of 2013.

7. Therefore, granting liberty to the GHMC and the Land Acquisition Officer to follow the procedure prescribed for acquiring private property 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 the petitioner in accordance with the provisions of the Act of 2013. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

P. NAVEEN RAO, J

Date: 5.7.2019
DA

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