

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.15354 OF 2019

Date: 24.07.2019

Between:

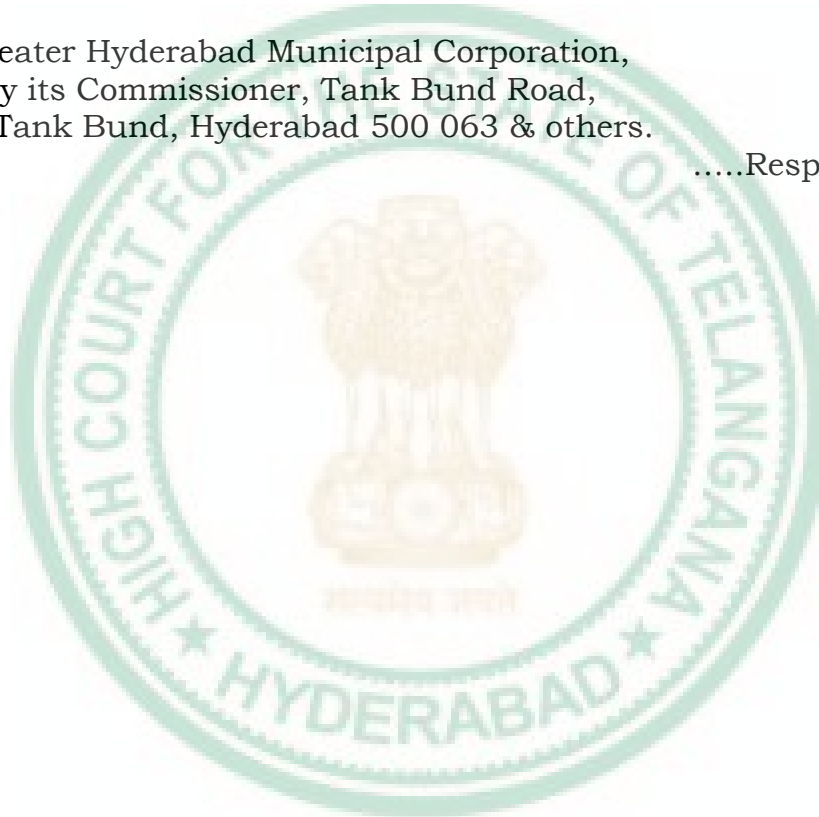
K.S.Archana W/o.T. Phani Krishna,
Aged about 35 yrs, Permanent R/o.B.302,
Aditya Alite, 6-3-119, Green Lands,
Hyderabad 500 016,
Temporarily Staying at 410,
Teague, Dr.Lewisville,
TX-75067, USA & another

.....Petitioners

And

The Greater Hyderabad Municipal Corporation,
Rep., by its Commissioner, Tank Bund Road,
Lower Tank Bund, Hyderabad 500 063 & others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.15354 OF 2019

ORDER:

Heard learned counsel for petitioners, learned Standing counsel for respondents 1 to 5 and learned Government Pleader for respondent No.6.

2. Petitioners claim to be the owners and in possession of land to an extent of 800 Square yards in Sy.No.58P of Gowlidoddi Village. Abutting their property the respondent-Municipal Corporation has taken up the activity of widening of road from existing 80 feet to 120 feet stretching from Wipro Junction to Gopanpalli. On 30.04.2018 a letter was issued by the Corporation requesting the petitioners to give their consent for taking over their property to an extent of 448 Square yards. The affected portion of the property which the respondent-Corporation wanted to take possession is also described in the sketch annexed to the said letter.

3. On 22.05.2018 petitioners responded to the said letter not accepting the proposal to take possession of their land and also raised objection on the aspect of not equitably distributing widening of road on both sides from the centre point of the road.

4. It appears, no further steps are taken thereafter. Petitioners filed this writ petition alleging that respondents are acquiring the lands of petitioners without following the due process. The cause of action shown to file this present writ petition is on the ground that the Municipal Corporation has already dumped material on the road to take up road widening work and such action is illegal, as

without acquiring private land in accordance with law, the road widening exercise cannot be taken up.

5. On putting a query by this Court as to the location of land from out of the photographs filed as Ex.P.7, learned counsel for the petitioners submit that their property is already fenced by putting up tin sheets which are visible in green colour in the photographs. From the photographs it is seen that adjacent to the tin sheet fencing there exists a road and after the existing road there is some dumping of material. Merely because material is dumped, petitioner cannot allege that the respondent-Corporation is in the process of encroaching into their land and taking over their land. Only on mere apprehension, the present writ petition is filed. Once petitioners have expressed their unwillingness to part with their land in accordance with the provisions contained in Section 146 of the Greater Hyderabad Municipal Corporation Act, respondents cannot take possession of private land without following the due process. As no such process is set in motion and merely because the material is dumped on the road, petitioner cannot invoke the jurisdiction of this Court.

6. Having regard to the above observations, the Writ Petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

24th July, 2019

Note :

Issue c.c. in two days
B/o.
Rds