

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.17845, 17849, 17854, 17862 and 17890 OF
2019

COMMON ORDER:

Heard learned counsel for the petitioners, learned Government leader for Municipal Administration, Sri L.Venkateswara Rao, learned Standing Counsel for Greater Hyderabad Municipal Corporation, and learned Government Pleader for Revenue.

2. In all these writ petitions, petitioners claim to be the owners of their respective properties located in Road No.45 of Jubilee Hills, Hyderabad. They are aggrieved by the action of the respondent-authorities in trying to deprive the petitioners of their right to title and possession over their respective properties without following due procedure for acquisition established under law and hence they seek declaration and consequential direction to the respondent-authorities not to interfere and disturb their possession over their respective properties.

3. When notices were issued to the petitioners under Section 146 of the Greater Hyderabad Municipal Corporation Act (for short 'GHMC Act'), requesting them to give consent for taking possession of part of the land came to be required by the Greater Hyderabad Municipal Corporation for widening of the road from existing 80 feet to 120 feet in road No.45, Jubilee Hills, Hyderabad, the petitioners

were not inclined to give such consent. Petitioners contend that even though they have not consented for acquisition under Section 14 of the GHMC Act, the Greater Hyderabad Municipal Corporation is threatening to disposes them.

4. Several writ petitions are filed on the same issue. Taking into consideration of the facts of the cases, this Court passed the following order:

“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.

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 petitions are disposed of. The respondents are further directed not to interfere with the possession and enjoyment of the petitioners over the subject properties without following the due procedure as required by the Act of 2013 and payment of compensation payable to them in accordance with the provisions of the Act of 2013.”

6. In view thereof, these writ petitions are also disposed of directing the respondents not to interfere with the possession and enjoyment of the petitioners over the subject properties without following due procedure as required by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation

and Re-Settlement Act, 2013 and payment of compensation payable to them in accordance with the provisions of the said Act.

Pending miscellaneous petitions, if any, shall stand closed.

P. NAVEEN RAO, J

August 20, 2019
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