

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.18359 of 2019

ORDER:

This writ petition is filed for the following relief:

“ ... issue an order direction or writ, more particularly, writ of mandamus declaring the inaction of the respondent 1 to 3 in taking action as per the provisions of Land Acquisition Act, pursuant to the letter dated 14.08.2019 and 21.08.2019 and pursuant to partition suit vide O.S.No.309 of 2019 on the file of XV Additional District Judge Kukatpally, as illegal, void and contrary to the provisions of Land Acquisition Act, and in contravention of the rights of the petitioners under Articles 14, 15 and 300A of Constitution of India and direct the respondent Nos.1 to 3 to refer the dispute in respect of compensation for acquisition of land and building bearing Municipal No.6-3-77 situated at Balanagar, Hyderabad, T.S. and to pass ... ”

Heard learned counsel for the petitioner, Sri Sampath Prabhakar, learned Standing Counsel for respondent Nos.1 and 2; and learned Assistant Government Pleader for respondent No.3.

In the light of the information provided by the 3rd respondent, it is not necessary for this Court to issue notice to the respondents 4 to 7.

It is the case of the petitioners that the respondent authorities have proposed to acquire the property bearing No.6-3-77, Balanagar, Hyderabad, for public purpose, and the compensation is required to be paid in respect of the said property and that the petitioners have interest in the said property. It is their apprehension that the 3rd respondent may pay the entire compensation to unofficial respondents, ignoring the claim of petitioners.

Learned Assistant Government Pleader appearing for the 3rd respondent placed on record the instructions received from the Special Deputy Collector (LA

Wing), GHMC, Hyderabad. Paragraphs 2 and 3 of the instructions read as under:

“2) The Assistant City Planner, Circle – 23, Moosapet, Greater Hyderabad Municipal Corporation, Hyderabad has made a requisition of Land Acquisition vide Lr. No. Nil, Dated: 18-08-2017 in respect of (68) properties, for 200 feet (60.00) Meters wide road for construction of flyover from Balanagar Road to Narsapur X Road under Strategic Road Development Project (SRDP) of Medchal – Malkajgiri District.

3) No requisition is received from the ACP for the premises No.6-3-77 situated at Balanagar Village, Balanagar Mandal of Medchal and Malkajgiri District and no L.A. proceedings will be initiated.”

From the above instructions, it is evident that the subject property bearing No.6-3-77, Balanagar village, is not under acquisition.

In those circumstances, the writ petition is closed there being no cause of action. In the event of the subject property is being acquired, the respondent authorities shall issue notice to all the concerned and take into consideration their objections, if any, in accordance with law, during the process of Award enquiry. No costs. Miscellaneous petitions, if any pending, shall also stand closed.

30th August, 2019

KSM

CHALLA KODANDA RAM, J

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KSM