

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.19993 of 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“to pass an order direction or a writ particularly in the nature of writ of mandamus declaring that the action of respondents in making efforts to acquire the property of the petitioner consisting shop No.4 on the ground floor with built up area of 115.28 Square Feet, together with undivided share of land admeasuring 3 Sq.yards and shop 4 and 5 on both admeasuring 115.28 sft. ,on first floor and shop No.4 and shop No. 5 both admeasuring 115.28 sft. on second floor with undivided share of land admeasuring 12 Sq. yards in Abdul Hasnath commercial and Residential Complex in premises bearing Municipal No.21-2-433, 21-2-60, 21-2-361 totally admeasuring 751 sq. yards situated at Mitti Ka Sher, Lad Bazar Hyderabad T. S. total admeasuring 90 Sq. yard without paying compensation and without following due process of law and The Right To Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, as illegal, arbitrary and unconstitutional and Consequently direct the respondents not acquire the petitioner’s property.”

2. Heard Sri Syed Yasar Mamoon, learned counsel for the petitioner, the learned Government Pleader for Land Acquisition for R.3 and the learned Standing Counsel for GHMC appearing for other respondents. Perused the material available on record.

3. Learned Standing Counsel submits that the petitioner owns certain mulgies in small extents of undivided share of land in Abdul Hasnath Commercial and Residential Complex. But, the petitioner has not filed any material before this Court to come to the conclusion that

there is a proposal to acquire his land for widening the road. Learned Standing Counsel further submits, in fact, there is no proposal to widen the road and the writ petition is filed only on mere apprehension.

4. It is not disputed by the respondents that petitioner is the owner of certain mulgies. That being so, if the property/properties of the petitioner are required for road widening or any other public purpose, the same shall not be acquired without paying compensation either through negotiations/settlement under Section 146 of the Greater Hyderabad Municipal Corporation Act or by following the procedure prescribed under Land Acquisition Act. It is also made clear that in the event it is found that the construction of the property/properties by the petitioner is in violation of any of the Municipal laws, it would be open for the Corporation to take appropriate action in accordance with law. However, the respondent-Corporation is barred from acquiring the land of the petitioner without paying compensation.

5. With the above observations, the writ petition is disposed of. No order as to costs. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

CHALLA KODANDA RAM, J

September 20, 2019

KTL