

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 21127 of 2019

ORDER:

It is the case of petitioner that she is the owner of premises bearing No.6-4-16/2 situated at Shivarampally, Rajendranagar Mandal, Ranga Reddy District; that notwithstanding the fact that she is the owner of the said property and residing therein, a notice dated 19.08.2019 was issued by the second respondent – Greater Hyderabad Municipal Corporation, represented by its Commissioner, Tank Bund, Hyderabad, to the fifth respondent stating that an area to an extent of 30.24 sq.yards covered by the aforesaid property is getting affected in the road widening from Aaramghar Junction to Miralam Tank, with a request to hand over possession thereof and to give consent under Section 146 of the Greater Hyderabad Municipal Corporation Act; that as a matter of fact, there is no person, by name, Haji, in the said address and that the fifth respondent has no manner of right in the affected area of the aforesaid property. It is also her case that in large number of cases, certain interested persons and unsocial elements, by forming a gang, in collusion with the Authorities/Officers of the Municipal Corporation, without knowledge of the original owners of the properties, are taking

away the compensation amounts, thereby, depriving the real owners. In the circumstances, she has filed this Writ Petition seeking a Mandamus by declaring the action of the respondents in issuing the aforesaid notice to a wrong person for acquiring the portion of the property belonging to her, for the purpose of road widening, as illegal and arbitrary and to consequently direct the respondents to pay compensation to the petitioner under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Heard learned counsel for the petitioner and learned Standing Counsel for Greater Hyderabad Municipal Corporation appearing for respondent Nos.2 to 4.

Having regard to the facts and circumstances of the case, the petitioner is permitted to submit before the second and third respondents material particulars and furnish all the relevant documents with respect to the affected portion of the property as to how she alone is entitled to compensation. Thereupon, the second and third respondents shall take into consideration the same before disbursement of compensation either under Section 146 of the aforesaid Act or under the land acquisition proceedings, if any, and shall ensure that the amount of

compensation is paid to the original owner of the property under acquisition.

Subject to the above, this Writ Petition is disposed of.

Miscellaneous Petitions, if any pending, shall stand closed.

There shall be no order as to costs.

CHALLA KODANDA RAM, J

25th SEPTEMBER, 2019.

Note: issue c.c. today.

kvni

