

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

**WRIT PETITION Nos. 13982, 16763, 16769, 16785, 16786,
17680, 17683, 18403, 18445, 18582 & 23816 OF 2018**

DATED :14.06.2019

W.P.No.13982 of 2018

Between :

Smt. J. Sharada, W/o.Late Sri G. Narayana Rao,
Aged 75 yrs, Occu : Household R/o.Flat No.106,
A-Block, Kundanbagh, Apartments, Begumpet,
Hyderabad & another

..

Petitioners

And

The State of Telangana,
Rep., by its Principal Secretary,
Municipal Administration Department,
Secretariat Buildings, Hyderabad & others.

..

Respondents

This court made the following :

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COMMON ORDER:

Heard.

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. On perusal of the material paper book of W.P.No.13982 of 2018, it appears that on 28.02.2018, the Greater Hyderabad Municipal Corporation (GHMC) issued notice to the 2nd petitioner in the said writ petition informing him that land to an extent of 219.15 Sq.Yards forming part of their property situated at Road No.45, Jubilee Hills, is being affected under the proposed road widening to 120' from Road No.45 Junction to Ambedkar University, Jubilee Hills. As such, a request was made to give consent under Section 146 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the GHMC Act') to part with the property. Petitioners declined to give consent to part with their property and sought for following due procedure for acquisition of a private land for public purpose. It appears, similar such notices

were served on all the petitioners and all the petitioners have refused to part with their respective properties owned by them.

4. This Court passed interim orders directing the respondents not to interfere with the possession and enjoyment of the petitioners over their respective properties without following the procedure prescribed under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013 (for short 'the Act of 2013') and making payment of compensation to the petitioners under the said Act.

5. Based on instructions learned Standing Counsel for GHMC would submit that as the property owners did not give consent/part with their properties, as per Section 146 of the GHMC Act, steps are being taken to acquire properties by following due procedure.

6. In W.P.No.5012 of 2019 & batch, correspondence for acquisition was produced by learned Standing counsel. The correspondence would disclose that while resorting to Section 147 of the GHMC Act, the Commissioner requested the Land Acquisition Officer to initiate proceedings for acquisition of the private properties under the Act of 2013. A requisition in Form-B addressed to the District Collector is also enclosed. From the reading of this Form-B, it is apparent that as the individual property owners failed to give consent for resolution of the issue and to part with their properties, request is made for taking steps in accordance with the provisions of Act of 2013.

7. 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.

8. 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. Pending miscellaneous petitions in these Writ Petitions, if any, shall stand closed.

14th June, 2019.
Rds

P.NAVEEN RAO, J

