

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 24109 of 2019

ORDER:

This Writ Petition is filed for the following relief:

“....to issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the actions of the Respondent Nos.3 and 4 in issuing the Notices vide Lr.No.86 / KG / RW / SRDP / TPS / C20 / GHMC/2019 dt 17.09.2019 to the Petitioner No.1 vide Lr No 87/KG/RW/SRDP/TPS/C20/GHMC/2019 dt 17.09.2019 to the Petitioner No 2 vide Lr No 83/KG/RW/SRDP/TPS/C20/GHMC/2019 dt 17.09.2019 to the Petitioner No 3 vide Lr No. 85/KG/RW/SRDP/TPS/C20/GHMC/2019 dt 17.09.2019 to the Petitioner No 4 vide Lr.No. 84/KG/RW/SRDP/TPS/C20/GHMC/2019 dt 17.09.2019 to the Petitioner No 5 vide Lr.No. 95/KG/RW/SRDP/TPS/C20/GHMC/2019 dt 17.09.2019 to the Petitioner No.6 and vide Lr.No. 88/KG/RW/SRDP/TPS/C20/GHMC/2019 dt 17.09.2019 to the Petitioner No.7 by demanding the Petitioners to give consent and handover the advance possession of a portion of their properties i.e.Petitioner No.1's Property bearing Municipal No.241/12/A admeasuring 153.12 Sq Yards comprising of Ground Plus First Floor with One Mulgi on Ground Floor and Two Mulgies on the First Floor situated at Kothaguda Village, Serilingampally Mandal, Ranga Reddy District, TS Petitioner No.2's Property bearing Municipal No.241/12/2 admeasuring 128.02 Sq Yards situated at Kothaguda Village Serilingampally Mandal Ranga Reddy District TS Petitioner No.3's Property bearing Municipal No 241/11/11 admeasuring 53 25 Sq Yards comprising of One Mulgi on the Ground Floor situated at Kothaguda Village Serilingampally Mandal Ranga Reddy District TS Petitioner No.4's Property bearing Municipal No 241/12 admeasuring 106.05 Sq Yards comprising of Ground Plus

Two Upper Floors with One Mulgi on Ground Floor situated at Kothaguda Village Serilingampally Mandal Ranga Reddy District TS Petitioner No.5's Property bearing Municipal No 241/10/1/1 admeasuring 106.02 Sq Yards comprising of Ground Plus Two Upper Floors with One Mulgi on Ground Floor and Residential portion on the Upper Two Floors situated at Kothaguda Village Serilingampally Mandal Ranga Reddy District TS Petitioner No.6's Property bearing Municipal No 27/B admeasuring 133 Sq Yards comprising of Ground Plus First Floor with One Mulgi on Ground Floor and One Mulgi on the First Floor situated at Kothaguda Village Serilingampally Mandal Ranga Reddy District TS and Petitioner No.7's Property bearing Municipal No 241/12/1 admeasuring 312 05 Sq Yards situated at Kothaguda Village Serilingampally Mandal Ranga Reddy District TS as illegal arbitrary and in violation of Principles of Natural Justice and also in violation of Articles 14, 21, and 300A of the Constitution of India in the interest of justice."

When the matter is taken up, it is submitted by the learned counsel for the petitioners that the issue raised in the present Writ Petition is squarely covered by the order dated 13.09.2019 passed by this Court in Writ Petition No. 19687 of 2019.

Learned Standing Counsel for Greater Hyderabad Municipal Corporation appearing for respondent Nos.2 to 4 does not dispute the aforesaid submission.

Relevant portion of the aforesaid order reads as under:

"In those circumstances, the writ petition is disposed of with the direction to the respondent authorities not to interfere with the peaceful possession and enjoyment of the petitioners over the

property in question, without following the procedure prescribed under Section 146 of the Act and without complying with Section 38 of Act 30 of 2013. It is made clear that entitlement of the compensation is subject to the right and title of the petitioners over the subject plots.”

In those circumstances, following the above said order and for the reasons recorded therein, this Writ Petition is also disposed of in terms thereof.

Miscellaneous Petitions, if any pending, shall stand disposed of. There shall be no order as to costs.

5th NOVEMBER, 2019.

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CHALLA KODANDA RAM, J

