

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION Nos.25584, 25212 and 25223 of 2019

COMMON ORDER :

The relief sought for by the petitioners in these writ petitions is to declare the action of the respondents in issuing the impugned Notice dt.01.09.2019 to the petitioners seeking to acquire their lands for the proposed 200 feet road widening from Botanical Garden to Kondapur RTA Office (via Kotaguda 'X' Roads) contrary to the Master Plan, as arbitrary and illegal and consequently sought to set aside the same.

Heard learned counsel for the petitioners in these writ petitions as well as the learned Government Pleader for MA & UD Department and also Sri Sampath Prabhakar Reddy, learned Standing Counsel for GHMC.

Learned counsel for the petitioners submits that the petitioners were granted LRS Layout in respect of the subject plots and certain conditions were imposed for surrendering the land, subject to certain concessions given to the petitioners and the petitioners are ready to abide by the said conditions. However, the respondents have issued the impugned Notice dt.01.09.2019 seeking acquisition of some more extent of land in addition to the surrender of land as per the LRS proceedings, and the petitioners are not willing to surrender additional extent of land as the respondents are

deliberately trying to acquire their property on one side of the road and they are not taking any steps for acquisition of the lands on the other side of the road.

On the other hand, Sri V. Sampath Prabhakar Reddy, learned Standing Counsel for the respondents – Corporation submits that while granting LRS, the road divider was taken into consideration, but not entire width of the road and, as such, the contention of the learned counsel for the petitioners has no basis.

In this case, it is to be seen that the impugned Notice dt.01.09.2019 under Section 146 of the HMC Act was issued seeking consent of the petitioners for acquisition of their land. If the petitioners are not willing to give consent for acquisition of their lands, it is open for them to object for the same and it is for the respondent – Corporation to take steps for acquiring the lands of the petitioners, if the Corporation requires additional extent of land. However, without acquiring the lands of the petitioners, the respondent – Corporation shall not interfere with the possession of the petitioners over the subject lands. The petitioners also shall abide by the conditions imposed in the LRS proceedings. As and when the respondent – Corporation initiates the process of acquisition of lands of the petitioners, it is open for the petitioners to raise all the contentions raised in these writ petitions.

With the above observations, these writ petitions are disposed of. No order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

A. RAJASHEKER REDDY, J

26.11.2019.
Msr



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