

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.27218 OF 2019

O R D E R

Petitioner claims to be the owner of the subject property by virtue of the registered sale deed. Aggrieved by the communication issued by the 2nd respondent – Greater Hyderabad Municipal Corporation, represented by its Commissioner, vide Lr.No.31/RW/ACP/C-21/GHMC/2019 dated 18.09.2019, in requiring the petitioner to give consent under Section 146 of the Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') for taking over the affected portion of the subject property by GHMC for the purpose of widening the existing road to 200'-00", the present writ petition is filed.

Learned counsel for the petitioner submits that this court in identical set of facts and circumstances in W.P.No.19687 of 2019 dated 13.09.2019 disposed of the writ petition directing the respondents not to interfere with the possession of the petitioners without following the procedure under Section 146 of the Act, and complying with the provisions under Section 38 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Therefore, the learned counsel for the petitioner seeks to pass similar order.

Learned Assistant Government Pleader for Municipal Administration appearing for the 1st respondent and Sri Sampath Prabhakar Reddy, learned Standing Counsel for respondents 2 and 3, have not disputed the above submission of the learned counsel for the petitioner.

In view of the same and for the reasons alike, the present writ petition is disposed of with a direction to the respondent authorities not to

interfere with the peaceful possession and enjoyment of the petitioner 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 the entitlement of the compensation is subject to the right and title of the petitioner over the subject property.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

A. RAJASHEKAR REDDY, J

DATE: 09—12—2019

AVS

