

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.47391 of 2018

ORDER

The petitioner claims to be the owner and possessor of house bearing H.No.8-4-369/472/1, Swarajnagar, Borabanda, Hyderabad, While so, the 3rd respondent issued notice dated 20.10.2016, directing her to hand over physical possession of the area affected in road widening to GHMC, stating that the subject property was notified under the provisions of the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and that compensation would be paid as per the norms by R&B Department and demanded to give consent under Section 146 of the Greater Hyderabad Municipal Corporation Act, 1955. The main grievance of the petitioner is that she should not be dispossessed or her property should not be affected unless the compensation amount as mandated under the Act, in particular, under Section 38 of the Act is paid to her.

2. Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development for respondent No.1 and Sri L. Venkateswar Rao, learned Standing Counsel for respondents 2 and 3.

3. Learned counsel for the petitioner brings to the notice of this Court that on earlier occasions, Writ Petitions were filed wherein this Court granted interim orders to maintain *status quo* with regard to the subject structures. Though the learned counsel prays for similar

orders to be passed, in view of the instructions secured by the learned Standing Counsel for respondents 2 and 3, with the consent of the parties, this Writ Petition is being disposed of at the admission stage.

4. *Vide* written instructions submitted by the 3rd respondent, the Assistant City Planner, Greater Hyderabad Municipal Corporation, the learned Government Pleader submits that notification under Section 11 of the Act was issued on 22.07.2017 to acquire 25 properties and the petitioner's property was one among them and the declaration under Section 19(1) of the Act was approved by the District Collector on 06.09.2018 and the same was also published. He further submits that acquisition proceedings are under process and action would be taken by issuing notices for the Award inquiry under Section 21(2) of the Act to the interested parties and thereafter, by publishing notice under Section 21(4) of the Act. In other words, as per the instructions, the acquisition proceedings have already been initiated and steps are being taken as the petitioner had not consented to accept the compensation offered in terms of Section 146 of the 1955 Act.

5. Since the petitioner has ample opportunity to espouse her grievance before the 3rd respondent, including claiming the compensation for the entire property, she is given liberty to file objections in terms of Section 30 of the 2013 Act which shall be considered during the Award enquiry by the 3rd respondent.

6. Subject to the above, the Writ Petition is disposed of. As Section 38 of the Act mandates payment of compensation before taking possession, it is made clear, the petitioner's possession and enjoyment over the subject property shall, in no way, be interfered with until the provisions of the Act, particularly the one with regard to payment of compensation is complied with in its letter and spirit. No costs. Consequently, the miscellaneous applications, if any, shall also stand closed.

CHALLA KODANDA RAM, J

22nd January 2019

sj