

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.1430 of 2020

ORDER:

Heard the learned counsel for the petitioners as well as the learned standing counsel appearing for the second respondent corporation.

2. The prayer sought in the writ petition is as under:

'For the reasons stated in the accompany affidavit that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction, to declare the action of the Respondents more particularly the 3rd Respondent not taking or responding on representation dated 28.11.2019 as being illegal, arbitrary, in violation of provisions of Municipal Act, The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, and in violation of Art 300A of the Constitution of India, and consequently direct the 3rd Respondent to take action on the representation dated 28.11.2019 and pass such other order or further orders as are deemed fit and proper in the facts and circumstances of the case.'

3. The petitioners in the affidavit filed in support of the writ petition have stated that they are the absolute owners and are in peaceful possession of the Plot bearing Nos.31 and 47 in Sy.No.374, Saptagiri Colony, Malkajgiri Circle, Hyderabad. They have purchased the said plots under the registered Document No.4489 of 2006 dated 23.05.2006. Thereafter, the first petitioner gifted the property to his wife-second petitioner, *vide* Document bearing No.617 of 2010 dated 04.03.2010. Since the date of purchase, the petitioners are in peaceful possession and enjoyment of the land to an extent of 625 square yards.

4. However, the respondent authorities acquired the petitioners' land to an extent of 65.7 square yards in premises bearing No.42-792/1 and 42-792/2 on Plot Nos.31 and 47 without issuing any notice and without following due process of law. The petitioners also gave a representation dated 28.11.2019 to the concerned authorities, but the respondents

refused to take any action against the said representation in spite of the petitioners visited the office of the respondents and requested for taking action on the representation. Aggrieved by the inaction on the part of the respondents in passing any orders on the said representation, the present writ petition is filed.

5. Having heard the learned counsel for the petitioners and the learned standing counsel for the second respondent municipality, the writ petition is disposed of directing the second respondent to consider and pass appropriate orders on the representation/letter dated 28.11.2019 submitted by the petitioners, within a period of six weeks from the date of receipt of a copy of this order. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

JUSTICE P.KESHAVA RAO

Date:24.01.2020

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