

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.3592 OF 2020

ORDER:

Heard the learned counsel appearing for the petitioner 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 accompanying affidavit, it is prayed in the interest of justice the Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of Respondents in interfering with peaceful possession and enjoyment of property of the petitioner bearing H.No.2-41/A/1/1 in plot bearing No.148/1(P) in Sy.No.,7 admeasuring 113.10 sq. yards equivalent to 95.78 sq. meters situated at Kothaguda Village, Srilingampally Mandal, Ranga Reddy District without following procedure as being arbitrary, illegal, violative of Articles 14, 21 and 300-A of The Constitution of India and contrary to The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013, consequently, direct Respondents not to interfere with the above said property of the petitioners except in accordance with law and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

3. When the matter is taken up, it is submitted by the learned counsel for the petitioner that the issue raised in the present writ petition is squarely covered by the order dated 13.09.2019 passed by this Court in W.P.No.19687 of 2019.

4. Learned standing counsel appearing for the second respondent Corporation does not dispute the aforesaid submission.

5. 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.”

6. In those circumstances, following the above said order and for the reasons alike, this Writ Petition is also disposed of in terms thereof. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

Date: 20.02.2020

PGS

JUSTICE P.KESHA RAO

