

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5142 of 2020

ORDER:

In this Writ Petition, it is the case of petitioner that he is the owner of house bearing No.5-431/30/20, constructed on plot bearing No.20, admeasuring 149.33 sq.yards, covered by Survey No.30 Part, situated at Laxmi Enclave, Phase-II, Alwal Village, Malkajgiri Mandal, Ranga Reddy District; that he purchased the said property through a registered sale deed dated 10.12.2012 vide document No.5807/2012 and that respondent No.4 – Assistant City Planner, Circle No.27, Alwal, Kukatpally Zone, GHMC, Old Alwal, Malkajgiri-Medchal District, issued a notice dated 25.02.2020 under Section 635 of the Greater Hyderabad Municipal Corporation Act, 1955, calling upon him to submit copies of certain documents for proposed underground drainage, thereby, he submitted a reply along with relevant documents on 27.02.2020. His grievance is that no orders have been passed even as on date, however, the respondent authorities are trying to encroach on to his property so as to dig a drainage canal.

Sri Chatla Madhu, learned Standing Counsel for Greater Hyderabad Municipal Corporation, appearing for respondent

Nos.2 to 4, submits that the objections of the petitioner would be considered before such work is taken up.

In the light of the above, this Writ Petition is disposed of with the direction to the respondent authorities not to undertake any work in the subject property without considering the objections of the petitioner and without communicating to him the decision taken thereon. It is made clear that if the respondent authorities require the subject property for any public purpose, they should acquire the same through negotiations or by invoking the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Miscellaneous applications, if any pending, shall also stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

6th MARCH, 2020.

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