HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION NO: 15740 OF 2020

Between:

1. Mohammed Shoeb, S/o. Late Gulam Hussain, Aged about 48 years, Occ: Business, R/o. H.No.19-2-194/A/A, Ramnaspura, Bahadurpura, Hyderabad, Telangana State
2. Mrs. Sunera Banu, W/o. Mohammed Shoeb, Aged about 41 years, Occ: Housewife, R/o. H.No.19-2-194/A/A, Ramnaspura, Bahadurpura, Hyderabad, Telangana State
3. Mrs. Afsana Banu, W/o. Mohammed Jaweed, Aged about 50 years, Occ: Housewife, R/o. H.No.8-15-82/a, Akbar Colony, Vattepally, Hyderabad.
4. Haji Sohail, S/o. Mohammed Shoeb, Aged about 18 years, Occ: Student, R/o. H.No.19-2-194/A/A, Ramnaspura, Bahadurpura, Hyderabad, Telangana State

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
2. Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, Tank Bund Road, Hyderabad.
3. The Deputy Commissioner, Rajendra Nagar Mandal, Ranga Reddy District.
4. The Assistant City Planner, Circle No.11, Rajendra Nagar Mandal, Ranga Reddy District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ or Order or Direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondents for issuing the notice vide LR.No.18/TPS/CRZ/C-11/GHMC/2020 dated 29-07-2020 to acquire an extent of 1631.47 sq yards from the land of the Petitioners where the Supreme Industry is situated covered with H.Nos.8-4-120/1/A/5, 8-4-120/1/A/98/1 and 8-4-120/1/A/98 in Plot Nos.2, 47, 48, 49, 50, 51, 52, 53, 54, 58, 59, 60, 61, 62 (Part), 64 and 65 (Part), Sy.No.53, 55 to 60(P), 180, 181, 185, total admeasuring 3383.25 Sq. Yards situated at Bandlaguda Khalsa Village, Rajendra Nagar Mandal, Ranga Reddy District to develop the Nala from Pallecheruvu to Ali Nagar and issuing demand notice to pay the compensation for the structure only is illegal, arbitrary in violation of principles of natural justice and in violation of Articles 14 and 21 of the

Constitution of India besides violation of Land Acquisition Act and also against the equity and consequently to set aside the Notice vide LR.No.18/TPS/CRZ/C-11/GHMC/2020 dated 29-07-2020 issued by the Respondents to acquire an extent of 1631.47 sq yards from the land of the Petitioners where the Supreme Industry is situated covered with H.Nos.8-4-120/1/A/5, 8-4-120/1/A/98/1 and 8-4-120/1/A/98 in Plot Nos.2, 47, 48, 49, 50, 51, 52, 53, 54, 58, 59, 60, 61, 62 (Part), 64 and 65 (Part), Sy.No.53, 55 to 60(P), 180, 181, 185, total admeasuring 3383.25 Sq Yards situated at Bandlaguda Khalsa Village, Rajendra Nagar Mandal, Ranga Reddy District to develop the Nala from Pallecheruvu to Ali Nagar and issuing demand notice to pay the compensation for the structure only.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in Notice vide LR.No.18/TPS/CRZ/C-11/GHMC/2020 dated 29.07.2020 issued by the Respondents to acquire an extent of 1631.47 sq yards from the land of the Petitioners where the Supreme Industry is situated covered with H.Nos.8-4-120/1/A/5, 8-4-120/1/A/98/1 and 8-4-120/1/A/98 in Plot Nos.2, 47, 48, 49, 50, 51, 52, 53, 54, 58, 59, 60, 61, 62 (Part), 64 and 65 (Part), Sy.No.53, 55 to 60(P), 180, 181, 185, total admeasuring 3383.25 Sq. Yards situated at Bandlaguda Khalsa Village, Rajendra Nagar Mandal, Ranga Reddy District to develop the Nala from Pallecheruvu to Ali Nagar and issuing demand notice to pay the compensation for the structure only, till the payment of compensation as per the Land Acquisition Act, pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI M. A. K. MUKHEED

Counsel for the Respondent No.1: GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT

Counsel for the Respondent Nos.2 to 4: SRI PASHAM KRISHNA REDDY, S.C. FOR G.H.M.C.

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.15740 of 2020

ORDER:

This Writ Petition is filed seeking writ of mandamus declaring the action of the respondents for issuing the notice vide Lr.No.18/TPS/CRZ/C-11/GHMC/2020, dated 29.07.2020 for acquiring the land to an extent of 1631.47 sq.yds from the land of the petitioners covered with H.Nos.8-4-120/1/A/5, 8-4-120/1/A/98/1 and 8-4-120/1/A/98 in Plot Nos.2, 47, 48, 49, 50, 51, 52, 53, 54, 58, 59, 60, 61, 62 (part), 64 & 65 (part), sy.No.53, 55 to 60 (part), 180, 181, 185, total admeasuring 3383.25 sq.yards, situated at Bandlaguda Khalsa village, Rajendranagar Mandal, Ranga Reddy to develop the Nala from Pallecheruvu to Ali Nagar and issuing demand notice to pay the compensation for the structure only, as illegal and arbitrary and consequently to set aside the same.

Heard Sri M.A.K.Mukheed, learned counsel for the petitioners and Sri Pasham Krishna Reddy, learned Standing Counsel for respondents 2 to 4.

Learned counsel for the petitioners submits that the petitioners are not willing to give consent for acquisition of land, as such, the respondents cannot force the petitioners to give consent. He submits that if at all the respondents needs the subject land, they have to follow due procedure for acquiring the land of the petitioners.

Sri Pasham Krishna Reddy, learned Standing Counsel for GHMC submits that the respondent Corporation is making all efforts to acquire the land with consent of the owners of the subject land to save time i.e., petitioners and that if the petitioners are not willing to give consent, they will follow due procedure, in accordance with law.

In view of above facts and circumstances, this Writ Petition is disposed of directing the respondents not to interfere with the possession of the subject property or pressurize them to give consent. If the respondents Corporation require the subject land, they have to follow the procedure envisaged under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, for acquiring the same.

There shall be no order as to costs. Miscellaneous petitions, if any pending, shall stand closed.

SD/- M.MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund Road, Hyderabad.
3. The Deputy Commissioner, Rajendra Nagar Mandal, Ranga Reddy District.
4. The Assistant City Planner, Circle No.11, Rajendra Nagar Mandal, Ranga Reddy District
5. One CC to Sri M. A. K. Mukheed, Advocate [OPUC]
6. Two CCs to GP For Municipal Administration and Urban Development, High Court for the State of Telangana. [OUT]
7. One CC to Sri Pasham Krishna Reddy, S.C. For G.H.M.C. [OPUC]
8. Two CD Copies.

MP

HIGH COURT

DATED:21/09/2020



ORDER

WP.No.15740 of 2020

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

10 VLV 5/10/20