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

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

**PRESENT**

**THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION NO: 16435 OF 2020**

**Between:**

Smt. Chalasani Rajani, W/o. Srinivasa Rao, aged 52 years, R/o. 21, Rachel Lane, Monroe Township, New Jersey-08831, U.S.A, rep. by her G.P.A Holder Ch. Satyanarayana, S/o. late Seetharamaswamy, aged 74 years, R/o. Flat No.305, Sai Balaji Apartments, Satavahana Nagar, Eluru, W.G. District

**...PETITIONER**

**AND**

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration Department, Secretariat Buildings, Hyderabad
2. The Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, Tankbund Road, Hyderabad
3. The Commissioner, Greater Municipal Corporation of Hyderabad, Tankbund Road, Hyderabad
4. The Zonal Commissioner, Greater Hyderabad Municipal Corporation, Circle-20, Serilingampally, Hyderabad

**...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 a Writ of Mandamus or any other appropriate Writ Order or direction declaring the action of the respondents in forcing the petitioner to deliver possession of her land in an extent of 233.33 Sq. Yds in Plot No.4 situated in Sy.No. 6(P) of Kondapur village, Serilingampally Mandal, Ranga Reddy District, for the purpose of proposed road widening from Botanical Garden to Kondapur RTA Office (via Kothaguda Cross Roads), without following the due process of law under the provisions of the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013, vide Lr.No.KG/RW.SRDP/ACP/C-20/GHMC/2020 dated 18.05.2020, as illegal, arbitrary and violative of the provisions of Article 300-A of the Constitution of India.

**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 grant stay of dispossession of the petitioners from her land in an extent of 233.33 Sq. Yds in Plot No.4 situated in Sy.No.6(P) of Kondapur village, Serilingampally Mandal, Ranga

Reddy District, for the purpose of proposed road widening from Botanical Garnden to Kondapur RTA Office (via Kothaguda Cross Roads), without following the due procedure under the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

**IA NO: 2 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 permit the petitioner to file the letter Lr.No.KG/RW.SRDP/ACP/C-20/GHMC/2020 dated 19.05.2020 as additional material paper.

**Counsel for the Petitioner: SRI D. KRISHNA MURTHY**

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

**Counsel for the Respondent Nos.2 to 4: SRI SAMPATH PRABHAKAR REDDY, S.C. FOR GHMC**

**The Court made the following: ORDER**

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.16435 OF 2020**

**ORDER:**

This writ petition is filed challenging the action of the respondents in forcing the petitioner to deliver possession of her land to an extent of 233.33 Sq.Yards in Plot No.4, situated in Sy.No.6(P) of Kondapur Village, Serilingampally Mandal, Ranga Reddy District, for the purpose of proposed road widening from botanical Gardens to Kondapur RTA Office (via Kothaguda Cross Roads), without following the due process of law under the provisions of the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short *'the Act, 2013')* vide letter dated 19.05.2020.

Learned Counsel for the petitioner submits that the petitioner was issued notice dated 01.10.2019 to give consent for handing over possession of the subject land for which the petitioner filed reply dated 18.11.2019 stating that she is not willing to give consent and thereafter the respondent authorities have to initiate land acquisition proceedings. But, without considering the same, again present impugned notice dated 19.05.2020 is issued asking the petitioner to surrender the subject land. Aggrieved by the same, present writ petition is filed.

Heard Sri Sampath Prabhakar Reddy, learned Standing Counsel for respondent Corporation who submits that already land acquisition proceedings are initiated and notification is issued under the Act, 2013 in respect of the subject property.

When once the petitioner has not given consent for handing over possession of the subject land by filing reply dated 18.11.2019 to the notice dated 01.10.2019, the respondents should have followed due procedure for acquiring the subject land under the provisions of Act, 2013 instead of again issuing present notice.

Since the learned Standing Counsel for respondent Corporation submits that already notification under the Act, 2013 is issued, the writ petition is disposed of directing the respondent Corporation not to dispossess the petitioner from the subject land without following procedure envisaged under the Act, 2013. No order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending shall stand dismissed.

**SD/-I.NAGALAKSHMI**
**ASSISTANT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

To,

1. The Principal Secretary, Municipal Administration Department, State of Telangana, Secretariat Buildings, Hyderabad
2. The Commissioner, Greater Hyderabad Municipal Corporation, Tankbund Road, Hyderabad
3. The Commissioner, Greater Municipal Corporation of Hyderabad, Tankbund Road, Hyderabad
4. The Zonal Commissioner, Greater Hyderabad Municipal Corporation, Circle-20, Serilingampally, Hyderabad
5. One CC to Sri D. Krishna Murthy, 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 Sampath Prabhakar Reddy, S.C. for GHMC [OPUC]
8. Two CD Copies.

MP

HIGH COURT

DATED:28/09/2020




ORDER

WP.No.16435 of 2020

DISPOSING OF THE WRIT PETITION WITHOUT COSTS

(10) VLV
7/10/20