

THE HON'BLE SMT. JUSTICE P.MADHAVI DEVI

W.P. No.9730 of 2022

ORDER:

This writ petition has been filed by the petitioner seeking a writ of mandamus declaring the action of the respondents No.1 to 4 in illegally trespassing and demolishing compound the wall of the property of the petitioner bearing H.No.7-2-1850/A & 7-2-1830/1 situated at Erragadda Metro Station, Erragadda, Hyderabad for the purpose of remodelling of Nala that originates at AG colony and merges into Moosapet Nala crossing NG-65 at Erragadda Metro Station on 18.02.2022 at about 12:30 pm., without acquiring the same under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and without following due process of law as illegal and arbitrary.

2. On 23.02.2022, the Commissioner of GHMC appeared in person before this Court and undertook to construct and restore the compound wall of the petitioner and to that effect this Court directed the respondent to file an affidavit. Accordingly, the respondents have filed revised counter affidavit stating that the Corporation is going to strengthen the existing Nala so that in

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rainy season flood water flows freely without any obstruction and thereby mitigating floods in upstream colonies of AG Colony, Premnagar, Sanjaynagar, Chatrapathi Shivajinagar, Sultannagar and nearby areas. Further it is also stated that after finishing of the strengthening work of existing Nala, the wall will be restored.

3. From these averments in the affidavit, the respondent Corporation is giving an undertaking to restore the compound wall of the petitioner, (which has been demolished by them earlier) in accordance with the oral undertaking given by the Commissioner personally on 23.02.2022 that the demolished compound wall will be reconstructed and restored.

4. The learned Counsel for the petitioner submits that there is no mention in the revised affidavit about the measurements of the Nala and he apprehends that the respondent Corporation under the guise of strengthening the Nala, may expand the width of the Nala into their land and in such circumstance, the petitioner may be given liberty to approach this Court.

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5. Having regard to the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and the respondents, this writ petition is disposed of directing the respondents to restore the compound wall in exactly the same position where it is stood earlier after strengthening the Nala. Further, liberty is given to the petitioner to approach this Court if there is any change in the measurements of the Nala.

6. Since at para 3 of the revised counter affidavit respondent has sought permission to withdraw the counter affidavit filed earlier on 23.02.2022 permission is accorded to withdraw the counter affidavit filed on 23.02.2022.

In the result, this writ petition is disposed of. No order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

JUSTICE P.MADHAVI DEVI

Date: 24.02.2022
LSK

