

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

MONDAY, THE TWENTY SIXTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 45668 OF 2022

Between:

Smt. Devanuri Vijaya, W/o. Rajamallu. Occ. Housewife, R/o. 21-2-19 and 20, Markandeya Colony, Godavarikhani, Ramagundam Municipal Corporation, Peddapalli District, Telangana State-505 209

...PETITIONER

AND

1. The State of Telangana, rep.by its Principal Secretary Municipal Administration Dept., Secretariat, Hyderabad, Telangana State.
2. The Commissioner and Director of Municipal Administration, Hyderabad, Telangana State.
3. The District Collector, Peddapalli District, Telangana State.
4. The Ramagundam Municipal Corporation, Rep. by its Commissioner, at Ramagundam, Peddapalli District, Telangana State.
5. The Tahasildar, Ramagundam Revenue Mandal, Ramagundam, Peddapalli 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 a Writ of Mandamus or any other appropriate Writ, order or direction, declaring the action of the Respondents in not initiating the land acquisition proceedings for acquisition of the house property of the petitioner for widening of the road to 60 ft. from Kalyan Nagar to Addaguntappalli main road in the Ramagundam Municipal Corporation as illegal, arbitrary, unreasonable, violative of the provisions of Act 30 of 2013, besides violative of Art. 14 and 300-A of Constitution of India, and consequently direct the 4th Respondent to initiate the proceedings for acquisition of land for widening the road;

IA NO: 1 OF 2022

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 direct the Respondents to initiate the proceedings for acquisition of the house property which is marked by the Municipal Corporation authorities for widening of the Road, pending disposal of the above Writ Petition;

Counsel for the Petitioner: SRI. JELLA SRIKANTH

Counsel for the Respondent Nos 1 & 2: GP FOR MCPL ADMN URBAN DEV

Counsel for the Respondent Nos 3 & 5: GP FOR REVENUE

Counsel for the Respondent No 4: SRI .K. PRABHAKAR RAO

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.45668 of 2022

ORDER:

The writ petition is filed seeking the following relief:

* ... to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the action of the Respondents in not initiating the land acquisition proceedings for acquisition of the house property of the petitioner for widening of the road to 60 ft. from Kalyan Nagar to Addaguntappalli main road in the Ramagundam Municipal Corporation as illegal, arbitrary, unreasonable, violative of the provisions of Act 30 of 2013 besides violative of Art 14 and 300-A of Constitution of India and consequently direct the 4th Respondent to initiate the proceedings for acquisition of land for widening the road and".

2. Mr. Jella Srikanth, learned counsel for the petitioner submits that the petitioner has purchased the property in the year 1984 and after obtaining permission, he has raised the building and leased out the premises and eking out his livelihood. It is stated that in the year 2011, when the respondents without following the due process are interfering with petitioner's possession, the petitioner has filed a writ petition i.e. W.P.No.23297 of 2010 before this court and an interim order was passed on 04.10.2010 not to demolish the construction until further orders. He submits that in the middle of a road, the petitioner's building is situated and neither the respondents are giving any permission to the petitioner to use the premises or any other premises which suits the requirement of the petitioner nor they are initiating the land

acquisition proceedings. He submits that though the petitioner is owner of the property, because of the acts on the part of the respondents, the petitioner is not in a position to use his property and the petitioner is deprived of his right over the property.

3. Mr. K. Prabhakar Rao, learned standing counsel for the respondents on instructions submits that the Commissioner will forward the request of the petitioner to the District Collector for taking suitable action and also for paying compensation.

4. If the property of the petitioner is required for any road widening, the respondents have to initiate the land acquisition proceedings. Now in this case, it appears that no such proceedings are initiated. In that case, the respondents cannot refuse to grant any permission in respect of the petitioner's building without any basis. In view of the same, the respondents shall consider the representation of the petitioner dated 30.04.2018 and if they require the land of the petitioner for any public road, they shall initiate the land acquisition proceedings forthwith or else they shall allow the petitioner to use the premises as per his requirement and for any premises that are required, they shall process the same in accordance with law.

9. Accordingly, the writ petition is disposed of. No order as to costs.

10. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

**SD/- MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary Municipal Administration Dept., Secretariat, State of Telangana, Hyderabad, Telangana State.
2. The Commissioner and Director of Municipal Administration, Hyderabad, Telangana State.
3. The District Collector, Peddapalli District, Telangana State.
4. The Commissioner, Ramagundam Municipal Corporation, at Ramagundam, Peddapalli District, Telangana State.
5. The Tahasildar, Ramagundam Revenue Mandal, Ramagundam, Peddapalli District.
6. One CC to SRI. JELLA SRIKANTH Advocate [OPUC]
7. One CC to SRI. K. PRABHAKAR RAO Advocate [OPUC]
8. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana, Hyderabad. [OUT]
9. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, Hyderabad. [OUT]
10. Two CD Copies

HIGH COURT

LK, J

DATED: 26/12/2022

ORDER

WP.No.45668 of 2022



**WP IS DISPOSED
OF WITHOUT COSTS**