

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND NINE
:PRESENT:

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NOS : 21 of 2003 AND W.P.NO.19632 OF 2001.

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W.P.No.21/2003:

Between:

Datrika Shoba w/o. Late Venkateswar.

..... PETITIONER

AND

1. The Govt. of A.P. rep.by its Secretary, Municipal Administration and Urban Development, Secretariat, Hyderabad.
2. The District Collector, Ranga Reddy District, Lakdikapool, Hyderabad.
3. The Revenue Divisional Officer, Near Gosha Mahal, Ranga Reddy District, Hyderabad.
4. The Commissioner, L.B. Nagar Municipality, L.B. Nagar, Ranga Reddy District.
5. The Mandal Revenue Officer, Saroornagar Mandal, Ranga Reddy District.
6. The Hyderabad Urban Development Authority, rep.by its Secretary, Begumpet, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in proceeding with the laying of sewerage pipes across the plot/road No.B/95 situated at Karmanghat village, Saroornagar Mandal, Ranga Reddy District under L.B. Nagar Municipality as illegal, arbitrary and violative of Article 300-A of the Constitution of India, consequently direct the respondents to pay compensation in the event of acquiring the plot belonging to the petitioner;

W.P.No.19632/2001:

Between:

1. M. Hari Krishna Reddy.
2. P. Suresh
3. M. Jayalakshmi
4. L. Veerabhadra Rao
5. B. Pentamma
6. S.A. Yadagiri
7. Ch. Vittal
8. G. Raju
9. G. Satyanarayana
10. N. Vijaya
11. R. Prema
12. P. Sudhakar Reddy
13. V. Sudhakar Reddy
14. V. Haritha Reddy
15. V. Suvarna Lakshmi. ... Petitioners

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And

1. The Govt. of A.P. Municipal Administration and Urban Development, rep.by
is Secretary, Secretariat, Hyderabad.
2. The District Collector, Ranga Reddy District, Lakdikapool, Hyderabad.
3. The Revenue Divisional Officer, Near Gosha Mahal, Ranga Reddy District,
Hyderabad.

4. The Commissioner, L.B. Nagar Municipality, L.B. Nagar, Ranga Reddy District.
5. The Mandal Revenue Officer, Saroornagar Mandal, Ranga Reddy District.
6. **The Hyderabad Urban Development Authority, rep.by its Secretary, Begumpet, Hyderabad.**

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not taking the steps in pursuance of the directions issued by this Hon'ble Court in W.P.No.22620 of 1998 dated 12-4-1999 is illegal, arbitrary, and not paying the compensation to the petitioners is violative of Article 300-A of the Constitution of India and violative of Article 14 and 21 of the Constitution of India consequently direct the respondents to initiate land acquisition proceedings under the Land Acquisition Act forthwith;

These petitions coming on for hearing, upon perusing the petition and the affidavit filed herein and upon hearing the arguments of Sri G. Ramana Rao, Advocate for the petitioners in both petitions and of the Govt. Pleader for Municipal Administration for the respondent No.1 in both petitions and of the Asst. Govt. Pleader for Revenue for the respondents 2, 3 and 5 in both petitions, and of Sri B. Viswanatha Reddy S.C. for HUDA for the respondent No.6 in both petitions, the Court made the following:

ORDER: These two writ petitions are filed aggrieved by the alleged action of Hyderabad Urban Development Authority (HUDA) and L.B.Nagar Municipality in attempting to lay the Necklace road over the plots belonging to the writ petitioners without taking any steps for acquiring the said land. Initially, the writ petitions were disposed of by this Court by separate orders directing the respondents to issue notifications under Section 4 (1) of the Land Acquisition Act within a period of six weeks and complete the award enquiry within three months and pay compensation as per the award. As against the said orders, HUDA filed writ Appeals being W.A.No. 28 of 2004 and W.A.NO.25 of 2004 against the orders in W.P.No. 21 of 2003 and W.P.No.19632 of 2001 respectively. The said writ Appeals were allowed by the Division Bench on 23-02-2006 thereby setting aside the orders in the writ petitions and remanding the matters for fresh adjudication observing that it is necessary to advert to and adjudicate the issue whether the proposal for constructions of Necklace road is in respect of the land belonging to the petitioners or whether the land forms part of Saroornagar Tank bund.

These writ petitions are thus listed for hearing afresh.

However, no counter-affidavits have been filed by the respondents in both these writ petitions and the findings in terms of the observations of the Division Bench cannot be recorded without taking into consideration the version of the respondents.

The Assistant Learned Government Pleader for Revenue who is present in the Court states that the Department of Land Acquisition as well as HUDA have to answer the contentions raised by the petitioners.

In view of the observations made by the Division Bench while disposing of the writ Appeals, it is necessary for the respondents to file their counter-affidavits adverting to the contentions raised by the petitioners.

Registry shall bring this fact to the notice of the learned Advocate General and immediate steps shall be taken to see that the necessary counter-affidavits are filed within a period of two weeks by the concerned officials.

Post after two weeks.

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Secretary, Govt. of A.P. Municipal Administration and Urban Development, Secretariat, Hyderabad.
2. The District Collector, Ranga Reddy District, Lakdikapool, Hyderabad.
3. The Revenue Divisional Officer, Near Gosha Mahal, Ranga Reddy District, Hyderabad.
4. The Commissioner, L.B. Nagar Municipality, L.B. Nagar, Ranga Reddy District.

5. The Mandal Revenue Officer, Saroornagar Mandal, Ranga Reddy District.
6. **The Secretary, Hyderabad Urban Development Authority, Begumpet, Hyderabad. (1 to 6 by RPAD)**
7. 2 CCs to the Advocate General, High court of A.P.Hyderabad. (BY SPL. MESSENGER)
8. 2 CCs to the G.P.for Asst. Govt. Pleader for Revenue, High court of A.P.Hyderabad. (BY SPL. MESSENGER).
9. 2 CCs to the G.P. for Municipal Administration,High court of A.P.Hyd. (O.UT)
10. One C.C.to Sri G. Ramana Rao, Advocate. (OPUC)
11. one spare copy.

HIGH COURT

RG.J

DATED 10-02-2009

POST AFTER TWO WEEKS.

ORDER

W.P.NOS. 21 OF 2003 & 19632 OF 2001

DIRECTION

Bsr

Dt. 12-2-2009

HIGH COURT

RG.J

DATED 10-02-2009

POST AFTER TWO WEEKS.

ORDER

W.P.NOS. 21 OF 2003 & 19632 OF 2001

DIRECTION