

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF FEBRUARY
TWO THOUSAND AND EIGHT

PRESENT
THE HON'BLE MR JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No : 2070 of 2008

Between:

- 1 N.Bhoomaiaha S/o.Narasaiah
R/o.H.No.SRT 225 (1-1-364/52)
- 2 Md.A.Nabi S/o.late M.A.Ghani
R/o.H.No. 1-1-379/303/A SRT 308
- 3 M.V.Havaladar S/o.late V.R. Hawaldhar
R/o.SRT 223, H.No.1-1-864/66,
- 4 T.Ramulu S/o.late Krishna
R/o.SRT 228, 1-1-364/49,
- 5 Smt.Jameela Begum W/o.late Majed Noor Khan
R/o.SRT 231, 1-1-364/32
- 6 Smt.Janaki Bai W/o.Y.Gangaram
R/o.SRT 229, 1-1-364/48
- 7 M.Ramanamma W/o.late T.V.Krishna Kumar
R/o.SRT 308 (1-1-39/303/A) All the above premises situated at
Jawaharnagar, Chikkadpally, Hyderabad - 20.

..... PETITIONER(S)

AND

- 1 The Government of Andhra Pradesh, rep. by its Secretary,
Department of Housing & Municipal Administration,
Secretariat Buildings, Hyderabad.
- 2 The Greater Hyderabad Municipal Corporation (erstwhile
Municipal Corporation of Hyderabad)
Rep. by its Special Commissioner.

.....RESPONDENT(S)

Counsel for the Petitioners: MR.L.PRABHAKAR REDDY

**Counsel for Respondent No.2: Sri R. Ramchandra Reddy
SC for GHMC**

The Court made the following:

THE HON'BLE MR JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No : 2070 of 2008

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ORDER:

This writ petition is filed for a writ of mandamus to declare the action of the respondents in not allotting alternative and equivalent land to the petitioners as per the undertaking and assurance given by respondent No.2 on par with similarly situated persons and not paying compensation for the acquired lands under the provisions of the Land Acquisition Act, 1894 (for short, 'the Act'), as illegal and arbitrary.

The lands of the petitioners along with the structures were acquired for road widening purpose in the year 1998. The petitioners were paid compensation for structures. They were, however, not paid compensation for the value of the land, which was acquired by respondent No.2. Certain other persons, who are similarly situated, filed WP.No.24672 of 2001 before this Court and the said writ petition was disposed of on 04.10.2005, wherein a direction was given to the respondents to pass appropriate orders with regard to the payment of compensation for the land taken over by respondent No.2 in road widening or allot alternative land in lieu of compensation within three months from the date of receipt of a copy of the order.

At the hearing, learned counsel for the petitioners and the learned Standing Counsel for respondent No.2 stated that in compliance with the said order, respondent No.2 settled the claims of the petitioners in the said writ petition. Learned counsel for the petitioners stated that the petitioners are similarly situated as that of the

petitioners in WP.No.24672 of 2001 and therefore they are also entitled to a similar benefit.

A perusal of the record shows that on 21.09.2007 award was passed in favour of the petitioners in the said writ petition, namely, WP.No.24672 of 2001, wherein compensation in respect of the land belonging to them and taken over for road widening was fixed.

In view of this undisputed fact, I feel that interests of justice would be met if respondent No.2 is directed to consider all the claims of the petitioners and pass an award on line similar to the one passed on 21.09.2007, after being satisfied that the lands of the petitioners are taken over for the purpose of road widening. Respondent No.2 shall complete this exercise within a period of three months from the date of receipt of a copy of this order.

It is made clear that if any of the petitioners are given alternative sites in lieu of payment of compensation, no award need be passed in their favour for payment of compensation.

Subject to the above observations, the writ petition is disposed of.

As a sequel to disposal of the writ petition in the manner indicated above, WPMP.No.2641 of 2008 filed by the petitioners for interim order is disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

Date: 29.02.2008
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To

1.2CCs
2.2CD copies