

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

WEDNESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT
THE HON'BLE MR JUSTICE V.V.S.RAO
WRIT PETITION NO : 21741 of 2005

Between:

- 1 Soham Modi, S/o. Satish Modi,
R/o. 5-4-183/3 & 4, 3rd Floor, Soham Mansion, MG Road,
Secunderabad.
- 2 Sourabh Modi, S/o. Satish Modi,
R/o. 5-4-183/3 & 4, 3rd Floor, Soham Mansion, MG Road,
Secunderabad.

..... PETITIONER

AND

- 1 Municipal Corporation of Hyderabad, Rep by its Commissioner, Tank Bund, Hyderabad.
- 2 Chief City Planner (Town Planning Section), Municipal Corporation of Hyderabad, Tank Bund, Hyderabad.
- 3 Government of Andhra Pradesh, Rep by Secretary, Revenue (Land Acquisition) Department, Secretariat, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Manamus or any other appropriate writ directing the respondents to forbear from demolishing or consuming the property of the petitioners known as "Modi House" bearing Premises No.1/10/72/2/3, Begumpet Main Road Hyderabad without acquiring the said property as per Section 147 of the Hyderabad. Municipal Corporation Act r/w the provisions contained in Land Acquisition Act, 1894 and without payment of compensation amount at market value with all statutory benefits to the petitioners and other owners of the built up area in the said building complex and grant such other relief as it deems fit in the circumstances of the case

Counsel for the Petitioner:MR.V.VENKATARAMANA

Counsel for the Respondent No.1&2: SMT.G.JYOTHI KIRAN
Standing Counsel for M.C.H

Counsel for the Respondent NO.3:The Government Pleader for
Land Acquisition

The Court at the admission stage made the following :Order

THE HON'BLE MR JUSTICE V.V.S.RAO**WRIT PETITION No. 21741 of 2005****ORDER:**

The petitioners are owners of ground floor portion of the premises bearing No.1-10-72/2/3, Begumpet Main Road, Hyderabad. The Municipal Corporation of Hyderabad proposed to widen the road to 150 feet and sent a communication, dated 14.06.2005, to the petitioners requesting them to cooperate in the matter and handover advance possession. The petitioners were informed that the Corporation would pay the compensation for effected constructions and also permit the petitioners additional FSI/FAR in accordance with the orders of the Government in G.O.Ms.No.483 MA, dated 24.08.1998. The petitioners sent a representation on 04.07.2005, informing that if the road widening is taken up, the entire building would be lost and that the value of the building as per the market value would be Rs.285.60 lakhs. There was some more correspondence between the petitioners and the Corporation, and ultimately on 14/15.09.2005, the second respondent informed the petitioners that their request to reduce the road width to 100 feet is not possible and that the land acquisition proposals are already initiated under Section 147 of the Hyderabad Municipal Corporations Act, 1955 (for short 'the Act'). However, apprehending demolition, pending land acquisition, the petitioner approached this Court.

Heard the learned counsel for the petitioner and the learned Standing Counsel for Municipal Corporation of Hyderabad. Section 146 of the Act enables the Corporation to negotiate with the persons/owners of the land when the land is acquired for public purpose. If such consent is not forth coming, necessarily the Corporation has to take action under Section 147 of the Act, which provides for acquisition of the land in accordance with the provisions of the Land Acquisition Act, 1894. Now that the Corporation has already submitted proposals for acquisition of the land, acquired for widening of the road, unless and until, the land

acquisition proceedings are completed, the petitioners' structures cannot be demolished. There shall be status quo as on today.

The writ petition, with the above observations, is accordingly disposed of. No costs.

**Sd/-L.SUBBA LAKSHMI
ASSISTANT REGISTRAR**

// TRUE COPY //


SECTION OFFICER

TO

- 1 The Commissioner, Municipal Corporation of Hyderabad, Tank Bund, Hyderabad.
- 2 Chief City Planner (Town Planning Section), Municipal Corporation of Hyderabad, Tank Bund, Hyderabad.
- 3 Government of Andhra Pradesh, Rep by Secretary, Revenue (Land Acquisition) Department, Secretariat, Hyderabad
- 4 Two CCs to the Government Pleader for Land Acquisition High Court buildings Hyderabad. (O.U.T)
- 5 Two C.D. Copies
- 6 One CC to the Mr.V.Venkata Ramana Advocate (OPUC)

SSV




High Court
DATED: 5/10/2005

ORDER
WP NO 21741 OF 2005

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS AT THE ADMISSION STAGE

8
ERS-18-10-05

Carbon Copy Application Filed on *6-10-05*
Copy Ready on *18-10-05*
Copy Delivered on *18-10-05*
A. Rangachari
Section Officer
Customs Section
High Court of Andhra Pradesh
18/10/05
A