

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
WEDNESDAY, THE FOURTH DAY OF AUGUST TWO THOUSAND AND
TWENTY ONE

:PRESENT:
THE HONOURABLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION NO: 21357 OF 2020

Between:

1. Qamar Sultana, W/o Late Syed Ahmed
2. Mohd Omar, S/o Late Mohd Ibrahim.
3. M A Rasool, S/o Mohd Abdullah.
4. Mohd Abdul Bari, S/o Mohd Abdul Khadeer.
5. Abdul Kareem, S/o Abdul Khadeer
6. Abdul Wasey, S/o Mohd Abdul Khadeer.
7. Abdul Rahman Khalid, S/o Mohd Prmed Abdul Khadeer.
8. Mohammed Abdul Munaf, S/o Moilammed Abdul Khadeer
9. Zahida Begum, W/o Mohd. Raheemuddin
10. Hameeda Sultana, W/o Mohammad Iqbal.
11. Mohammed Fasiuddin, S/o Late Mohammed Yousufuddin
12. Hafizunnisa Mohd Omer Ali, w/o Mohammed Omer Ali
13. Ghousia Begum, w/o Late. Mohammed Ali.

Petitioners

AND

1. The State of Telangana, Rep by its Principal Secretary Municipal Administrative Urban Development Department Secretariat, Hyderabad
2. The Greater Hyderabad Municipal Corporation, Rep by its Commissioner, Tank Bund Hyderabad.
3. The Zonal Commissioner, Falaknuma Circle, GHMC, Sardar Mahal, Charminar, Hyderabad
4. The Deputy Commissioner, Circle No 10, Central Zone, Greater Hyderabad Municipal Corporation Hyderabad Sardar Mahal, Charminar, Hyderabad.
5. The Assistant City Planner, Circle No 10, Central Zone, Greater Hyderabad Municipal Corporation Hyderabad Sardar Mahal, Charminar, Hyderabad.

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 or any other order or direction particularly one in the nature of Writ of Mandamus declaring the action of Respondents in partly demolishing the buildings of the petitioners as described in Annexure P-1, and threatening to disposes contrary to the orders passed by this Honourable Court in W.P.Nos 24809 of 2012, 25060 of 2012, 25427 of 2012, 29866 of 2012, 29871 of 2012, 19667 of 2014, 31522 of 2017 and W.P No. 23792 of 2018, as violative of Article 300A of Constitution of India, contrary to the provisions of The Greater Hyderabad Municipal Corporation Act, 1955 and The Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013 and in violation of well settle principles of natural justice and consequently direct the Respondents to pay appropriate compensation to the petitioners for their high handed action of partly demolishing the buildings;

IA NO: 1 OF 2020

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 not to dispossess the petitioners from their respective buildings as described in Annexure P-1, pending disposal of WP 21357 of 2020, on the file of the High Court.

— 2 —

IA NO: 2 OF 2020

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 not to further demolish the petitioners buildings as described in Annexure P-1, pending disposal of WP 21357 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri MOHD ISLAMUDDIN ANSARI, Advocate for the Petitioners, GP FOR MCPL ADMN & URBAN DEV for the Respondent NO.1 and Sri Pasham Krishna Reddy, Advocate for the Respondent NOs.2 to 5, the Court made the following.

ORDER:

At the request of Sri Pasham Krishna Reddy, learned Standing Counsel for respondent Nos.2 to 5, to file counter, list on 25.08.2021.

Sri Mohd. Islamuddin Ansari, learned counsel for the petitioners, would submit that the respondents authorities have already demolished part of the structures and they are making hectic efforts to further demolish the structures in dispute.

Sri Pasham Krishna Reddy, learned Standing Counsel, on instructions, would submit that there is no proposal to further demolish the structures, as alleged by the petitioners in the present Writ Petition.

In view of the above submissions, both the parties are directed to maintain *status quo* with regard to possession and physical features of the subject property.

SD/- **B. SATYAVATHI**
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary Municipal Administrative Urban Development Department, State of Telangana, Secretariat, Hyderabad
2. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund Hyderabad.
3. The Zonal Commissioner, Falaknuma Circle, GHMC, Sardar Mahal, Charminar, Hyderabad
4. The Deputy Commissioner, Circle No 10, Central Zone, Greater Hyderabad Municipal Corporation Hyderabad Sardar Mahal, Charminar, Hyderabad.
5. The Assistant City Planner, Circle No 10, Central Zone, Greater Hyderabad Municipal Corporation Hyderabad Sardar Mahal, Charminar, Hyderabad. (1 to 5 by RPAD)
6. One CC to SRI MOHD ISLAMUDDIN ANSARI Advocate [OPUC]
7. Two CCs to GP FOR MCPL ADMN & URBAN DEV, High Court at Hyderabad. [OUT]
8. One spare copy

mvj

HIGH COURT

KL,J

DATED:04/08/2021

LIST ON 25-08-2021

ORDER

WP.No.21357 of 2020

DIRECTION



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