

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE TWENTY FOURTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

**:PRESENT:
THE HON'BLE SRI JUSTICE B.VIJAYSEN REDDY**

WRIT PETITION NO: 32175 OF 2025

Between:

Dr. K.Prapul Chandra, S/o. K.Chandraiah, Aged about 70 years, Occ: Retd. Doctor, R/o. 11-5-401/1, Vaidya Vidyalaya Lanae, Opp: Bombay Offset Printers, Red Hills, Hyderabad 500004

Petitioner

AND

1. The State of Telangana, Municipal Administration and Urban Development Department, Secretariat Buildings, Hyderabad, Rep. by its Principal Secretary
2. The Greater Hyderabad Municipal Corporation, CC Complex, Tank Bund Road, Lower Tank Bund, Hyderabad 500063, Rep. by its Commissioner
3. The Special Deputy Collector, Land Acquisition, GHMC, 6th Floor, Municipal Complex, Tank Bund Road, Lower Tank Bund, Hyderabad 500063
4. The Deputy Commissioner, Circle No. 18, Jubilee Hills, Khairtabad Zone, GHMC, 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 any appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus;

- a) Declaring the action of the Respondents in interfering with the Petitioner's peaceful possession and enjoyment of the property bearing Plot No. 1271, admeasuring 1152 Sq. Yds., in Sy. No. 120 (Old 403/1) of Shaikpet and Sy. No. 102/1 of Hakimpet Villages, within the limits of the Municipal Corporation of Hyderabad in Ward No. 8 Block No. 2, including by seeking to acquire a portion of the Petitioner's property through issuance of (i) notice dated 08.09.2025 bearing No. 8L/RW/ACP/C18/GHMC/2025, purportedly under Section 146 of the GHMC Act, 1955, seeking surrender of a portion of the Petitioner's property, and (ii) notice dated 01.09.2025 bearing No. B/290/2025 (received on 09.10.2025) under Section 15(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, seeking to compulsorily acquire a portion thereof as being wholly arbitrary, illegal, perverse, unconstitutional, and in gross violation of the fundamental rights of the Petitioner. besides being ultra vires the provisions and scheme of the GHMC Act, 1955 and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, apart

from being in direct contravention of the law laid down by this Hon'ble Court as well as the Hon'ble Supreme Court of India and set aside the same and;

- b) Consequently, direct the Respondents not to interfere with the Petitioner's peaceful possession and enjoyment of the property bearing Plot No. 1271, admeasuring 1152 Sq. Yds., in Sy. No. 120 (Old 403/1) of Shaikpet and Sy. No. 102/1 of Hakimpet Villages, within the limits of the Municipal Corporation of Hyderabad in Ward No. 8 Block No. 2 in any manner whatsoever

IA NO: 1 OF 2025:

Petition under Section 151 of CPC, praying that in the circumstances stated in the affidavit filed in the writ petition, the High Court may be pleased to direct the Respondents not to interfere with the peaceful possession and occupation of the Petitioner's property bearing Plot No. 1271, admeasuring 1152 Sq. Yds., in Sy. No. 120 (Old 403/1) of Shaikpet and Sy. No. 102/1 of Hakimpet Villages, within the limits of the Municipal Corporation of Hyderabad in Ward No. 8 Block No. 2 including by suspending the effect and operation of the notice dated 08.09.2025 bearing No. 8L/RW/ACP/C18/GHMC/2025 issued by Respondent No. 4, pending disposal of WP. No. 32175 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed therein, and upon hearing the arguments of Sri Tarun G. Reddy, Advocate for the Petitioner, GP for Municipal Admn., for Respondent No.1, and Sri M. Arun Kumar, SC for GHMC/Respondent Nos. 2 to 4, the Court made the following.

ORDER:

Learned counsel for the petitioner submitted that notice under Section 15(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the Act'), though dated 01-09-2025, was served on the petitioner on 09-10-2025, thus, there is violation of the provisions of the Act and Article 300A of the Constitution of India. Learned counsel submitted that apart from that, the petitioner requires details of Gazette No. GHMC-22 dated 02-08-2025 and sketch plan, based on which Section 15(1) notice has been issued.

It has been held by catena of decisions that enquiry under Section 5A of the Land Acquisition Act, 1894 (Section 15(1) of the Act) is a valuable right of the party and it is a mandatory requirement for the authorities to provide reasonable opportunity to the party to object to the proposed acquisition by furnishing all details and information.

Hence, respondent No.3 - Special Deputy Collector, Land Acquisition, GHMC, is directed to furnish all relevant information including Gazette No. GHMC-22 dated 02.08.2025 and sketch plan, based on which land acquisition proceedings are initiated, within ten (10) days from today. On receipt of the same, the petitioner shall file objections to the notice dated 01-09-2025 issued under Section 15(1) of the Act, within

30 days thereafter. Thereafter, the petitioner shall be given an opportunity of personal hearing and orders shall be passed in accordance with law. As the petitioner has chosen to file objections to Section 15(1) notice, it is presumed that the petitioner is not interested to give consent to the notice under Section 146 of the Greater Hyderabad Municipal Corporation Act, 1955. Further notice dated 08-09-2025 shall remain suspended until further orders.

List on 05-12-2025.

SD/-N.CHANDRA SHEKAR RAO
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, State of Telangana, Secretariat Buildings, Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation, CC Complex, Tank Bund Road, Lower Tank Bund, Hyderabad 500063.
3. The Special Deputy Collector, Land Acquisition, GHMC, 6th Floor, Municipal Complex, Tank Bund Road, Lower Tank Bund, Hyderabad 500063
4. The Deputy Commissioner, Circle No. 18, Jubilee Hills, Khairatabad Zone, GHMC, Hyderabad (Addressees 1 to 4 BY SPEED POST)
5. Two CCs to GP for Municipal Admn., High Court for the State of Telangana, at Hyderabad (OUT)
6. One CC to Sri Tarun G. Reddy, Advocate (OPUC)
7. One Spare copy

HIGH COURT

BVR,J

DATE: 24-10-2025

NOTE: POST ON 05-12-2025

ORDER

WP. NO. 32175 OF 2025

SUSPENSION

