

**HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD  
(Special Original Jurisdiction)**

THURSDAY, THE TWENTY SECOND DAY OF AUGUST  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO**

**WRIT PETITION NO: 10106 OF 2002**

**Between:**

1. P.Ramesh, S/o. P.Mallaiah, Business, R/o. 12-10-92/8/1, Flat No.101, Regency Areade, Seethaphalmandi, Hyderabad.
2. M.Krishna, S/o. M.Ashappa, Business, R/o. 11-2-426/17/A/22, Anna Nagar, Namalagundu, Secunderabad.
3. K.Yellappa, S/o. Narsayya, Tailoring, R/o. 12-10-407/23, Namalagundu, Hyderabad.
4. M.A.Razzack, S/o. Shaik Mehboob, Business, R/o. 11-4-767, Chilkaiguda, Secunderabad.

**.....PETITIONERS**

**AND**

1. City Planner, M.C.H., Secunderabad Zone, Secunderabad.
2. Commissioner, M.C.H., Tankbund Road, Hyderabad.
3. Khaja Nizamuddin Ahmed, S/o. Shaikh Mahmood, 10-3-3/8/4, 2nd Floor, Street No.12, East Marredpally, Secunderabad.

**.....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, order or direction more particularly one in the nature of Writ of Mandamus declaring the oral threatening action of the 1<sup>st</sup> Respondent, dated 5-6-2002 to demolish the petitioners Mulgie Nos.11-1-725/D, 11-1-726/3, 11-1-727 and 11-1-726/1, respective situated at Chilakalaguda, Secunderabad, as illegal, arbitrary and contrary to the spirit of the judgment of this Hon'ble Court delivered by the Division Bench in W.P.No.6317 of 1996 dated 15-3-2001

Reported in 2001 (3) ALD 173 (DB), and consequently direct the Respondents not to demolish the above referred premises without initiating Land Acquisition Proceedings strictly in accordance with the spirit of the judgment rendered in W.P.No.6317 of 1996 dated 15-3-2001 Reported in 2001 (3) ALD 173 (DB).

**I.A.NO:1 OF 2002(WPMP. NO: 12408 OF 2002)**

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 demolish the Petitioner's Mulgi Nos. 11-1-725/D, 11-1-726/3, 11-1-727, and 11-1-726/1, respectively, situated at Chilakalaguda, Secunderabad, pending disposal of the writ petition in the interest of justice.

**Counsel for the Petitioner : SRI MOHD ZIA-UL-HAQUE**

**Counsel for the Respondent Nos.1 & 2 : SRI CHATLA MADHU  
S.C. FOR GHMC CRL25-30**

**Counsel for the Respondent No.3 : SRI KHAJA MANZOOR ALI**

**The Court made the following ORDER**

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

Writ Petition No.10106 of 2002

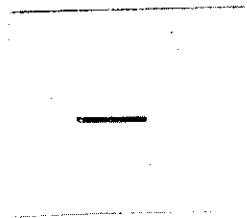
ORDER. (Per the Hon'ble the Chief Justice Alok Aradhe)

A Full Bench of this Court, by order dated 22.02.2007, passed in W.A.No.453 of 2005 and batch, referred the following question for consideration to a Larger Bench:

“Whether in case of acquisition of land by municipal authorities, for road widening, on consent of the landlord of a shop any notice is necessary to be given to the tenant in the shop ?”

2. A Larger Bench of this Court, by common judgment dated 27.11.2015, passed in W.A.No.453 of 2005 and batch, has answered the aforesaid issue.

3. Even otherwise, the land for the purpose of road widening has been acquired and the fly over has been constructed. Therefore, the issue raised in the writ petition does not survive for consideration on account of efflux of time.



::2::

4. The Writ Petition is, therefore, dismissed as infructuous.

No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

Sd/- T. JAYASREE  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

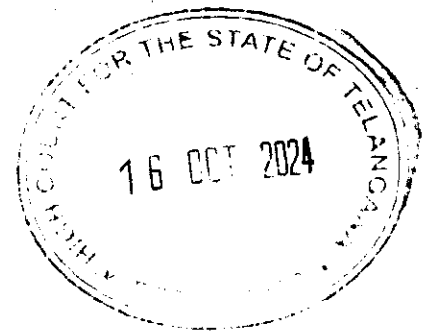
1. One CC to SRI MOHD ZIA-UL-HAQUE, Advocate [OPUC]
2. One CC to SRI CHATLA MADHU, S.C. for GHMC [OPUC]
3. One CC to SRI KHAJA MANZOOR ALI, Advocate (OPUC)
4. Two CD Copies

SA  
MP

§

HIGH COURT

DATED:22/08/2024



ORDER

WP.No.10106 of 2002

DISMISSING THE W.P

AS INFRACTUOUS WITHOUT COSTS.

6 Copies  
S  
28/9/24