

**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: 5135 OF 2001

Between:

M.Srinivas Rao, S/o Late M. Ramaiah, Partner Sree Venkateswara Automobiles and
Cycle Spare Parts Shop. No.6-3-694/1 and 6-3-694/2, Panjagutta, Hyderabad.

.....PETITIONER

AND

1. Commissioner Municipal Corporation of Hyderabad, Near Tank Bund,
Hyderabad.
2. Chief City Planner, Municipal Corporation of Hyderabad, Near Tank Bund,
Hyderabad.
3. Executive Engineer Circle V, Municipal Corporation of Hyderabad,
Khairtabad, Hyderabad.
4. Assistant Commissioner Circle V, Municipal Corporation of Hyderabad,
Khairtabad, Hyderabad.
5. P. Kavitha, W/o Veeresham, R/o Opp. Gold Spot Line, H.No.6-3-788/26,
Ameerpet, 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 an order or direction more particularly in the nature of writ of
mandamus or any other appropriate writ declaring the proposed action of
demolition of Mulgi/shop bearing No.6-3-694, 6-3-694/1 and 6-3-694/2, situated at
Panjagutta facing to the main road Hyderabad as null, void and without
jurisdiction and violative of articles 14, 19, 21 and 300(A) of the Constitution of

India, violative of provisions of Land Acquisition Act and also violative of Section 147 of the Hyderabad Municipal Corporation Act 1955 consequently direct the respondents not to demolish the shops bearing no.6-3-694, 6-3-694/1 and 6-3-694/2 situated at Panjagutta facing to the road, Hyderabad otherwise in due course of law and to initiate proceedings as required under the law in the interest of justice.

I.A.NO:1 OF 2001 (WPMP.NO:6555 OF 2001)

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 Mulgi's/shops bearing No.6-3-694, 6-3-694/1 and 6-3-694/2, situated at Panjagutta facing to the main road Hyderabad until the disposal of the writ petition.

Counsel for the Petitioner : SRI M.A.BARI

Counsel for the Respondent Nos.1 to 3 : SRI P.KESAVA RAO, SC FOR GHMC

Counsel for the Respondent No.4 : --

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.5135 of 2001

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.

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

No costs.

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

//TRUE COPY//

SD/-K.AMMAJI
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. One CC to SRI M.A.BARI, Advocate [OPUC]
2. One CC to SRI P.KESAVA RAO, SC FOR GHMC [OPUC]
3. Two CD Copies

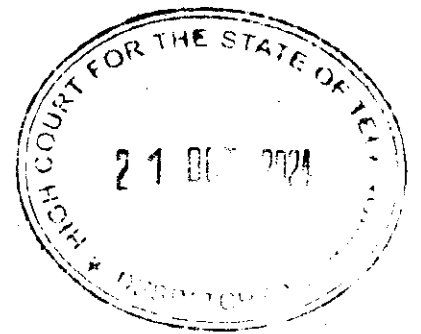
SA

BSR



HIGH COURT

DATED:22/08/2024



ORDER

WP.No.5135 of 2001

DISMISSING THE W.P

AS INFRUCTUOUS WITHOUT COSTS.

⑥ vlv
28/9/24