

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

**WEDNESDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT PETITION NO: 7291 OF 2026

Between:

SALLA VEERA REDDY, S/o. Salla Ram Reddy Aged About. 79 years, Occ.
Business R/o. 2-12-19, Annapurna Colony, Beerappagadda Uppal,
Hyderabad-500039.

...PETITIONER

AND

1. THE STATE OF TELANGANA, Represented by Principal Secretary to
Municipal Administration & Urban Development Department Dr. B.R
Ambedkar Telangana Secretariat, Hyderabad, Telangana-500004
2. GREATER HYDERABAD MUNICIPAL CORPORATION, Represented by
Commissioner Lower Tank Bund, Hyderabad-500063
3. MALKAJGIRI MUNICIPAL CORPORATION, Represented by Commissioner
HMDA Building, Tarnaka, Hyderabad-500007
4. SPECIAL COLLECTOR (LA) & COMMISSIONER, GHMC, Lower Tank Bund,
Hyderabad-500063
5. SPECIAL DEPUTY COLLECTOR (LA) GHMC, Lower Tank Bund,
Hyderabad-500063
6. DEPUTY COMMISSIONER, Malkajgiri Municipal Corporation (erstwhile
GHMC) Uppal Circle-9, Uppal Zone- 500039

...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 (a) Issue a Writ of Mandamus or any other appropriate Writ, Order or Direction, declaring Section 146 of the Greater Hyderabad Municipal Corporation Act, 1955, insofar as it is sought to be applied as a mechanism for acquisition of land, as being unconstitutional, ultra vires, void and repugnant to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), in terms of Article 254 of the Constitution of India, and as being violative of Articles 14, 21

and 300-A of the Constitution of India.(b)Issue a Writ of mandamus or any other appropriate Writ, Order or Direction, quashing and setting aside the Impugned Notice bearing Lr.No.401/RW/TPS/C-9/UZ/GHMC/2026 dated 09.02.2026 issued by the 6th Respondent, purportedly under Section 146 of the GHMC Act, 1955, as being illegal, without jurisdiction, void ab initio, and without authority of law.

IA NO: 1 OF 2026

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 suspend the operation of the Impugned Notice bearing Lr.No.401/RW/TPS/C-9/UZ/GHMC/2026 dated 09.02.2026 issued by the 6th Respondent under Section 146 of the Greater Hyderabad Municipal Corporation Act, 1955,, pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI RAJKUMAR GUMMI

**Counsel for the Respondent No.1: SRI BHASKAR, GP FOR MUNICIPAL
ADMINISTRATION & URBAN DEVELOPMENT**

**Counsel for the Respondent No.2 to 6: SRI SRINIVASA RAO PACHWA,
SC FOR GHMC**

The Court made the following: ORDER

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

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT PETITION No.7291 of 2026

DATED: 11.03.2026

Between:

Salla Veera Reddy

... Petitioner

AND

The State of Telangana,
Represented by Principal Secretary to
Municipal Administration & Urban Development Department
Dr. B.R.Ambedkar Telangana Secretariat,
Hyderabad, Telangana-500 004 & 5 others

... Respondents

ORDER:

Heard Mr. Rajkumar Gummi, learned counsel appearing for the petitioner,
Mr. Bhaskar, learned Government Pleader for Municipal Administration &
Urban Development Department appearing for respondent No.1 and
Mr. Srinivasa Rao Pachwa, learned Standing Counsel for Greater Hyderabad
Municipal Corporation (GHMC) appearing for respondent Nos.2 to 6.

2. The *vires* of Section 146 of the Greater Hyderabad Municipal Corporation
Act, 1955 (hereinafter referred to as 'the GHMC Act') is being challenged as

unconstitutional, *ultra vires* and repugnant to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the Act of 2013') in teeth of Article 254 of the Constitution of India. It is also in violation of Articles 14, 21 and 300A of the Constitution of India.

3. Section 146 of the GHMC Act impugned herein reads as under:

"146. Acquisition of immovable property by agreement:- (1) Whenever it is provided by this Act that the Commissioner may acquire, or whenever it is necessary or expedient for any purpose of this Act that the Commissioner shall acquire, any immovable property, such property may be acquired by the Commissioner on behalf of the Corporation by agreement on such terms at such rates or prices not exceeding such maxima as shall be approved by the Standing Committee, either generally for any class of cases or specially in a particular case.

(2) And whenever, under any provision of this Act, the Commissioner is authorised to agree to pay the whole or any portion of the expenses of acquiring any immovable property, he shall do so on such terms and at rates or prices not exceeding such maxima as shall be approved by the Standing Committee as aforesaid.

(3) Subject to the provisions of this Act, it shall be lawful for the Commissioner on behalf of Corporation to agree with the owner of any land or of any interest in land needed by the Corporation for the purposes of any scheme under Chapter XIII or with the owner of any right which may have been created by legislative enactment over any street forming part of the land so needed, for the purchase of such land or of any interest in such land or for compensating the owner of any such right in respect of any deprivation thereof or interference therewith.

(4) No contract for the acquisition of any immovable property or of any interest therein or any right thereto or the payment of any compensation under sub-sections (1), (2) or (3) shall be valid, if the price or compensation to be paid for such property or interest or right exceeds rupees five thousand unless and until such contract has been approved by the Corporation.

(5) Every contract or other instrument relating to the acquisition of immovable property or any interest therein or any right thereto shall be executed by the Commissioner, shall have the common seal of the Corporation affixed thereto in the presence of two officers nominated by the Commissioner and shall also have the signature of the said two officers.

(6) No contract for the acquisition of immovable property or any interest therein or any right thereto not executed as provided in sub-section (4) shall be binding on the Corporation.

(7) The foregoing provisions of this section which apply to an original contract relating to the acquisition of immovable property, or any interest therein, or any right thereto, shall be deemed to apply also to any variation or discharge of such contract."

4. A perusal of the impugned provision does not reflect that it confers a power of compulsory acquisition in exercise of the powers of eminent domain upon the Corporation. The reading of the provisions indicate that taking over of the land is based upon agreement between the party with the Corporation and in lieu thereof certain compensation is also to be paid.

5. We are, therefore, not satisfied that the impugned provisions suffer from legislative incompetence or are overlapping the Act of 2013 thereby repugnant to the central legislation on the subject under Concurrent List of the Constitution of India and in teeth of Article 254 of the Constitution of India. Petitioner seems to be aggrieved by a notice dated 09.02.2026 whereby the petitioner has been requested to hand over physical possession of the affected portion of his property to GHMC and give consent under Section 146 of the GHMC Act in the public interest. GHMC has also proposed to arrange structure compensation as per R & B Schedule Rates in lieu of the land value as mentioned therein. In case the petitioner is aggrieved by the impugned letter as being in teeth of the provisions of Section 146 of the GHMC Act and in the nature of a compulsory acquisition of his property, the proper remedy for the petitioner is to prefer an appropriate proceeding before the appropriate Court/Forum. Therefore, we are not inclined to interfere in the matter.

6. The Writ Petition is disposed of with the aforesaid liberty. However, there shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/-A.H.S. GOWRI SHANKAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary to Municipal Administration & Urban Development
Department THE STATE OF TELANGANA, Dr. B.R Ambedkar Telangana
Secretariat, Hyderabad, Telangana-500004
2. The Commissioner, GREATER HYDERABAD MUNICIPAL CORPORATION,
Lower Tank Bund, Hyderabad-500063
3. The Commissioner, MALKAJGIRI MUNICIPAL CORPORATION, HMDA
Building Tarnaka, Hyderabad-500007
4. SPECIAL COLLECTOR (LA) & COMMISSIONER, GHMC, Lower Tank Bund,
Hyderabad-500063
5. SPECIAL DEPUTY COLLECTOR (LA), GHMC, Lower Tank Bund,
Hyderabad-500063
6. DEPUTY COMMISSIONER, Malkajgiri Municipal Corporation (erstwhile
GHMC) Uppal Circle-9, Uppal Zone- 500039
7. One CC to SRI RAJKUMAR GUMMI, Advocate [OPUC]
8. One CC to SRI SRINIVASA RAO PACHWA, SC FOR GHMC [OPUC]
9. Two CCs to GP FOR MUNICIPAL ADMINISTRATION & URBAN
DEVELOPMENT, High Court for the State of Telangana. [OUT]
10. Two CD Copies

BN
BS

HIGH COURT

DATED:11/03/2026

ORDER

WP.No.7291 of 2026

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

(13) MT
26/3/26