

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Zehra Begum Vs. the Administrator, Quli Qutub Shah Urban Development Authority and anr.

Zehra Begum Vs. the Administrator, Quli Qutub Shah Urban Development Authority and anr.

SooperKanoon Citation : sooperkanoon.com/434427

Court : Andhra Pradesh

Decided On : Apr-13-1992

Reported in : 1992(3)ALT257

Judge : S.C. Pratap, C.J. and ;Subhashan Reddy, J.

Acts : [Land Acquisition Act, 1894](#) - Sections 17(3A); [Constitution of India](#) - Article 300A; Code of Civil Procedure (CPC) - Sections 151

Appeal No. : Writ Appeal Miscellaneous Petition No. 590 of 1992

Appellant : Zehra Begum

Respondent : The Administrator, Quli Qutub Shah Urban Development Authority and anr.

Advocate for Def. : P.M. Gopal Rao, Adv. for Respondent No. 1 and ;Khader Ali Khan, Adv. for Respondent No. 2

Advocate for Pet/Ap. : C.P. Sarathy, Adv.

Judgement :

ORDER

1. It is regrettable that even though the property of the writ petitioner was taken over more than two years back, that too at the instance of the Municipal Corporation of Hyderabad, second respondent herein, as is evident from Letter No. 446/I/23/ACP/C1/MCH/89-90, dt. 8-2-1990, no compensation has been paid to her till this date. What is more, two responsible local authorities, viz., Municipal Corporation of Hyderabad and Quli Qutub Shah Urban Development Authority are claiming that they are not responsible to pay compensation, each throwing blame on the other. Prima facie, the Municipal Corporation of Hyderabad is liable to pay compensation. Necessary orders would be passed in the writ appeal with regard to reimbursement if ultimately the writ appeal filed by Quli Qutub Shah Urban Development Authority is dismissed. In any event, action of both the authorities is in flagrant violation of the Constitutional mandate contained in Article 300A of the [Constitution of India](#).

2. The building was demolished for road widening, and Section 17(3-A) introduced by Parliament Act 68/84 warrants payment of 80% of the compensation in the event of the property being taken over urgently. As such, we hereby direct the Commissioner, Municipal Corporation of Hyderabad to deposit 80% of the Compensation, in accordance with the Basic Value Register as on this date, in lieu of taking over of the property of the writ petitioner, to the credit of O.S. No. 756/85 on the file of the Additional Chief Judge, City Civil Court, Hyderabad, within two weeks from today.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com