THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.36852 of 2016

ORDER:

The petitioners pray for the following relief :-

> "…. to issue a writ, order or direction more particularly one in the nature of the Writ of Mandamus be issued declaring the inaction of the Respondent No.1 to 5 as per the Section 2 and 41 (9) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (i.e., the Act No. 30 of 2013) to the Scheduled Areas, the Section 3-C of the A.P.S.A. Land Transfer Regulation, 1959, the provisions of the Panchayat Extension to the Scheduled Areas Act, 1996 and also the ignorance of the guidelines of the Government for verification of Title and Possession of Lands in West Godavari Agency Areas and non-observation of the Revenue Records of the Land in possession of the notification Scheduled Sl. No.217 and 218 of S. No. 82 Ext. Ac.4-31 Cents and the Sl. No.234, 235 the S. No. 91 Ext. Ac. 4-19 Cents as published in Conformation Notification Dt. Nill-10-2016 (Dt. 5-10-2016 Eenadu Daily News Paper) of Upperu Revenue Village of Kukunooru Mandal of West Godavari District and such an inaction will amount in violation of Art. 14 and Art. 21 and 300-A of the Constitution of India..."

The Assistant Government Pleader (Land Acquisition) places on record written instructions dated 31-10-2016 received from 5th respondent. The operative portion of the written instructions reads thus:-

> "However, it is open to the writ petitioners to attend to the Award Enquiry scheduled to be held on 14-11-2016 with supporting documents to substantiate their claim with respect to Survey Nos. 81, 82, 91 and 93/1. If the dispute is not resolved at the time of Award Enquiry the matter will be

referred to Disputes Committee, duly stopping payment to any other parties including the respondent Nos.6 to 10."

Learned Assistant Government Pleader, basing on the written instructions, dated 31-10-2016, submits that the 5th respondent is prepared to look at the objection of petitioners, at this juncture in the enquiry scheduled to be held on 14-11-2016 and if the petitioners satisfy the authority, appropriate orders will be passed otherwise, the next step as provided under Act 30 of 2013 will be taken recourse to.

The statement is placed on record.

The petitioners are given liberty to appear in the enquiry with all documents scheduled to be held in this behalf on 14-11-2016 or on any subsequent date along with a copy of this order and the 5th respondent is directed to consider the objections, documents of petitioners and take a decision in accordance with law, as circumstances warrant in this behalf.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

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S. V. BHATT, J

Dt: 04-11-2016

Note:

Issue C.C. in two days

(B/o)

Prv

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.36852 of 2016

04-11-2016

Prv