

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.45604 of 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India, for the following relief:

“To issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in not referring the matter to Authority as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 inspite of Petitioner objections made on 13-12-2016 covered under Final Notification issued vide Rc.No.E-126235/2016 R&R dt.30-9-2016 published in Prajasakthi Daily News paper in respect of lands situated in Survey Number 99 admeasuring Ac. 1-13 gts situated in Kondapalli Village of Kukunuru Mandal of West Godavari District and trying to pay the compensation amounts of land in question in favour of respondents No.4 and 5 herein is arbitrary, illegal and violative of Articles 14 and 300-A of Constitution of India and Contrary to the Rule 3 of A.P. Schedule Area Land Transfer Regulation Act, (Act 1/1959) and its amendment Act 1/1970 and consequentially to direct the 3rd respondent to refer the matter to the Authority by duly depositing the entire compensation amount in respect of land in question”.

2. Heard the learned counsel for the petitioner, the learned Government Pleader appearing for Respondents 1 to 3 and the learned counsel appearing for Respondents 4 and 5, apart from perusing the material available on record.

3. In the present Writ Petition, the petitioner herein is disputing the right of respondents 4 and 5 in receiving compensation amount in respect of the subject properties. It is submitted by the learned Government Pleader, on instructions, that award has not yet been passed in respect of the subject properties and it is open for the petitioner as well as respondents 4 and 5 to raise their claims before the Authorities under Act 30 of 2013.

4. Having regard to the submission made by the learned counsel for the petitioner, the learned Government Pleader for Respondents 1 to 3 and the learned counsel for respondents 4 and 5, this Court is of the considered opinion that ends of justice would be served if the petitioner as well as respondents 4 and 5 permitted to raise their claims before the Respondent authorities with regard to their right over the property.

5. For the aforesaid reasons, the Writ Petition is disposed of, keeping it open to the petitioner as well as respondents 4 and 5 to raise their respective claims before the 3rd respondent and it is open for the 3rd respondent to consider the same and pass appropriate orders, in accordance with law. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date: 30.3.2017
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A.V.SESHA SAI, J

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30.3.2017

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