

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

WRIT PETITION No.9091 OF 2017

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 respondent No.2 in not disposing the Application dated 19-08-2016 filed by the petitioner No.1 herein on behalf of the other petitioners for entry of their names as pattedars and possessors in respect of land to the extent of land Ac.1.20 guntas in Survey No.48 of Kiwaka Village, Kukkunoor Mandal, West Godavari District, which lands are in land acquisition Notification of Polavaram Irrigation Project submerged lands as illegal, arbitrary and in violation of principles of Natural Justice and to pass.”

2. Heard the learned counsel for the petitioners and learned Government Pleader for respondents, apart from perusing the material available on record.

3. In the present writ petition, petitioners are disputing the right of 3rd respondent in receiving compensation amount in respect of the subject property. It is submitted by the learned Government Pleader, on instructions, that award has not yet been passed in respect of the subject property and it is open

for the petitioners as well as 3rd respondent 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 petitioners and the learned Government Pleader for Respondents, this Court is of the considered opinion that ends of justice would be served if the petitioners as well as 3rd respondent are permitted to raise their claims before the Respondent authorities with regard to their right over the property.

5. For the aforesaid reasons, this Writ Petition is disposed of, keeping it open to the petitioners as well as 3rd respondent to raise their respective claims before the 2nd respondent and it is open for the 2nd respondent to consider the same and pass appropriate orders, in accordance with law.

6. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

15.03.2017
SS