

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

WRIT PETITION No. 38525 of 2016

ORDER:

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

“... to issue a order, direction or writ more particularly one in the nature of writ of mandamus directing the official respondents not to finalize award proceedings in respect of lands in Sy.Nos.60, 61, 90 and 91 to an extent of Ac.10.00 gts., situated at Koundinyamukthy Village, Sy.No.81 to an extent of Ac.1.04 gts., situated at Chiravalli Village and in Sy.No.49 to an extent of Ac.3.35 gts., and in Sy.No.72 to an extent of 20 gts., situated at Madhavaram Village of Kukkunooru Mandal, West Godavari District acquiring for the purpose of Polavaram Irrigation Project by the official respondents herein and consequential direction to pay the compensation to the petitioner herein in respect of the property in Sy.Nos.60, 61, 90 and 91 to an extent of Ac.10.00 gts., situated at Koundinyamukthy Village, Sy.No.81 to an extent of Ac.1.04 gts., situated at Chiravalli Village and in Sy.No.49 to an extent of Ac.3.35 gts., and in Sy.No.72 to an extent of 20 gts., situated at Madhavaram Village of Kukkunooru Mandal, West Godavari District.”

2. Heard the learned counsel for the petitioner, learned Government Pleader appearing for respondent Nos. 1 to 3 and learned counsel appearing for respondent Nos.4 to 14, apart from perusing the material available on record. .

3. In the present Writ Petition, the petitioner herein is disputing the right of respondent Nos.4 to 14 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 petitioner as well as respondent Nos.4 to 14 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 respondent Nos. 1 to 3 and the learned counsel for respondent Nos.4 to 14, this Court is of the considered opinion

that ends of justice would be served if the petitioner as well as respondent Nos.4 to 14 are 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 respondent Nos.4 to 14 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: 20.04.2017
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A.V.SESHA SAI, J