

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

WRIT PETITION No.40360 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.No. 42 renumbered as Sy, No. 79 popularly know as Kummari Chenu to an extent of Ac. 04.12 gts , situated at Koundinyamukthy 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.No. 42 renumbered as Sy.No.79 popularly know as Kummari Chenu to an extent of Ac. 04.12 gts, situated at Koundinyamukthy village, of Kukkunooru Mandal, West Godavari District and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case”.

2. Heard the learned counsel for the petitioner, learned Government Pleader for Land Acquisition for respondents 1 to 3, apart from perusing the material available on record.

3. In the present writ petition, petitioner is disputing the right of 4th respondent 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 4th respondent to raise their claims before the Authorities under Act 30 of 2013.

4. Having regard to the submissions made by the learned counsel for the petitioner, learned Government Pleader for Respondents 1 to 3 and the learned counsel for 4th respondent, this Court is of the considered opinion that ends of justice would be served if the petitioner as well as 4th respondent 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 4th 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

28.02.2017
TSNR