

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

WRIT PETITION No.2612 of 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue an order or direction more in the nature of mandamus to declare the action of the respondents in not considering claim petition filed by the petitioner on 28.12.2016 as illegal arbitrary and contrary to the provisions of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Re-settlement Act 30 of 2013 and consequentially direct the respondents to consider the objection raised by the petitioner in Respect of the land covered in RS No.43 an extent of Ac.3.03 Cts situated at Sridharveleru Village, Kukkunur Mandal, West Godavari District.”

2. Heard the learned counsel for the petitioner and 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 respondent No.4 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 No.4 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 and the learned Government Pleader for Respondents 1 to 3, this Court is of the considered opinion that ends of justice would be served if the petitioner as well as respondent No.4 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 No.4 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.

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

March 14, 2017

PN

A.V. SETHA SAI, J

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