

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.23219 of 2008

ORDER:

The petitioners pray for Mandamus declaring the action of respondents 1 to 3 in disbursing compensation amount to the 4th respondent for resuming the land in Sy.No.42-3 an extent of Ac.2-00 cents at Thummalakunta Village, Chillamathur Mandal, Ananthapur District, as illegal and unconstitutional.

On 11.12.2008, this Court extended the interim order granted on 23.10.2008 until further orders.

Respondents 1 to 3 filed petition to vacate the interim order and in the counter affidavit filed, it is stated that the assignment stands in the name of the 4th respondent and through proceedings dated 22.08.2008, with the consent of 4th respondent, the assigned land has been resumed and finally an award was also passed.

The case of petitioners that though the assignment stands in the name of the 4th respondent, since the petitioners and the 4th respondent are Joint Hindu Family members, the ex-gratia paid for resuming the assigned land must be apportioned amongst all the persons, who have shares in Hindu undivided family properties or Hindu undivided family.

Sri Aswartha Narayana, after arguing the matter for sometime and realizing the difficulty in working out the writ prayer under Article 226 of the Constitution of India, requests the Court to permit the petitioners to institute a suit for apportionment of ex-gratia paid for resuming the subject land.

The writ petition is disposed of by placing the statement on record and granting liberty as prayed for.

It is made clear that this Court has not considered the merits of petitioners or the 4th respondent for any purpose, but is merely relegating the petitioners to work out remedy by filing a suit.

Miscellaneous petitions, if any, pending, shall stand closed.
No order as to costs.

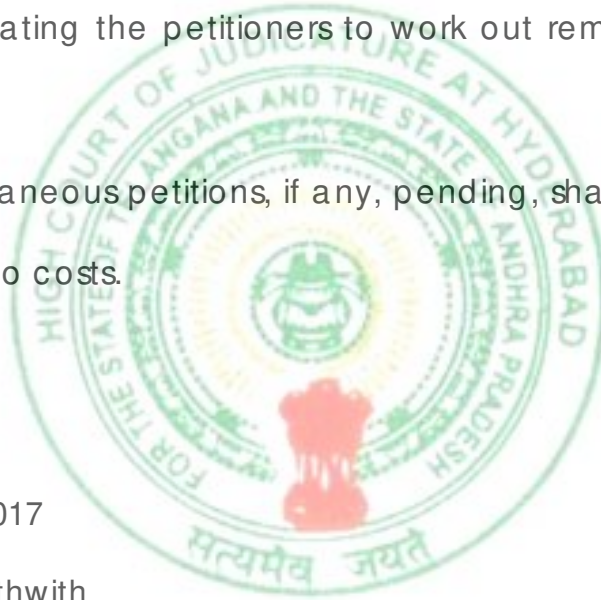
Date: 10-08-2017

Note:

Issue C.C. forthwith

(B/o)

Prv



S. V. BHATT, J

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