

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

**WRIT PETITION No.46105 of 2016**

**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 referring the matter to the competent authority under Sections 64 and 76 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in spite of filing objections by the petitioner to the Draft notification dated 21-6-2016 on 14-7-2016 and final notification dated 3-10-2016 on 26-10-2016 and filing objections on 23-12-2016 in respect of the lands situated in Sy.No.1 to an extent of acres 2.14 gts, Sy.No.5 to an extent of acres 1.07 gts, Sy.No.6 to an extent of acres 2.09 gts, Sy.No.10/A to an extent of acres 2.39 gts, and Sy.No.18 to an extent of acres 4.04 gts (12.17 acres) as against situated at Kondapalli village, Kukkunuru Mandal, West Godavari District, and taking steps to pay the compensation amounts to the unofficial respondents is illegal, arbitrary and in violation of Articles 14, 21 and 300 (A) of the Constitution of India and consequently direct the 3rd respondent to refer the matter to the competent authority under the Act by duly depositing the entire compensation amount in respect of land in question.”*

2. Heard the learned counsel for the petitioner, learned Government Pleader for Land Acquisition for respondents 1 to 3 and Sri M. Rajamalla Reddy, learned counsel for the respondents 5 and 7, apart from perusing the material available on record.

3. In the present writ petition, petitioner is disputing the right of respondents 4 to 13 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 respondents 4 to 13 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 Respondents 1 to 3 and Sri M. Rajamalla Reddy, learned counsel for the respondents 5 and 7, this Court is of the considered opinion that ends of justice would be served if the petitioner as well as respondents 4 to 13 are permitted to raise their claims before the Respondent authorities with regard to their right over the properties.

5. For the aforesaid reasons, the Writ Petition is disposed of, keeping it open to the petitioner as well as respondents 4 to 13 to raise their respective claims before the 3<sup>rd</sup> respondent and it is open for the 3<sup>rd</sup> 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.

**A.V. SESA SAI, J**

March 14, 2017

PN

**THE HON'BLE SRI JUSTICE A.V. SSHA SAI**



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