

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

WRIT PETITION No.7703 OF 2017

ORDER:

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

“to issue a Writ, order or direction more particularly one in the nature of Writ Mandamus, declaring the action of the official respondents in trying to disburse the land compensation amount of acquisition of the petitioner's land an extent Ac. 4.01 Gts., in Sy.No. 436, situated at Sridhara Velair Village, Kuknoor Mandal, West Godavari District to the unofficial respondent as illegal, arbitrary, unreasonable, and consequently direct the official respondents not to disburse the compensation of the land acquisition amount till the adjudication of dispute between petitioner and unofficial respondent.”

2. Heard the learned counsel for the petitioner, learned Government Pleader for Land Acquisition for respondents 1 to 4, apart from perusing the material available on record.

3. In the present writ petition, petitioner is disputing the right of the 5th respondent 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 the 5th 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 and the learned Government Pleader for Respondents 1 to 4, this Court is of the considered opinion that ends of justice would be served, if the petitioner as well as the 5th respondent are permitted to raise their claims before the respondent authorities with regard to their right over the subject property.

5. For the aforesaid reasons, this writ petition is disposed of, keeping it open to the petitioner as well as the 5th respondent 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. No order as to costs.

06.03.2017
SS

A.V.SESHA SAI, J