

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.5076 OF 2017

ORDER:

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

“to issue appropriate Writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 3rd respondent not recognizing Petitioners ownership for the lands in Sy.No.584 for an extent of Ac.0.32 Guntas 85 Sy.No.584/A/1 for an extent of Ac.0.32 situated in Kukunoor Village & Mandal, West Godavari District as per succession as arbitrary, illegal and violation of Article 19,21 & 300-A of the Constitution of India and pass such other order or orders as this Hon'ble Court may deems fit and proper in the circumstances of the case.”

2. Heard learned counsel for the petitioners, learned Government Pleader for Irrigation appearing for respondent No.1 and learned Government Pleader for Land Acquisition appearing for respondent Nos.2 to 4 apart from perusing the material available on record.

3. In the present writ petition, the petitioners herein are disputing the right of respondent Nos.5 and 6 in receiving compensation amount in respect of the subject properties. It is submitted by the learned Government Pleader, on instructions, that award has not been passed in respect of the subject properties and it is open for the petitioners as well as respondent Nos.5 and 6 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 petitioners and the learned Government Pleader for

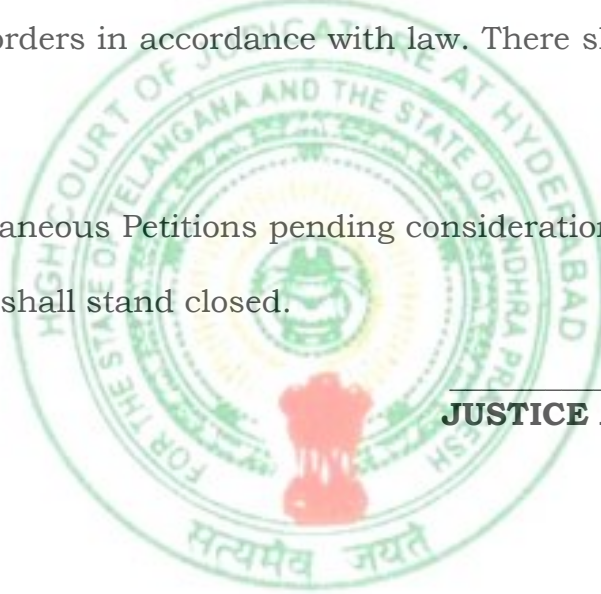
respondent Nos.1 to 4, this Court is of the considered opinion that ends of justice would be served if the petitioners as well as respondent Nos.5 and 6 are permitted to raise their claims before the respondent authorities with regard to their right over the subject properties.

5. For the aforesaid reasons, the Writ Petition is disposed of, keeping it open to the petitioners as well as respondent Nos.5 and 6 to raise their respective claims before respondent No.3 and it is open for respondent No.3 to consider the same and pass appropriate orders in accordance with law. There shall be no order as to costs.

6. Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand closed.

15.02.2017
AMD

JUSTICE A.V.SESHA SAI



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Date: 15.02.2017

AMD