

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

WRIT PETITION No.4361 OF 2017

ORDER:

The 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 of mandamus declaring the action of the 2nd & 3rd respondents in not notifying the petitioners name for the compensation to the well in R.S. No. 286/ 5 situated in Pragadavarm Village, Chintalapudi Mandal, West Godavari District in the notification under Sec 19 (1) dated 11.01.2017 issued by the 2nd respondent for Acquisition of the Lands for the purpose of Chintalapudi Lift Irrigation Scheme, is illegal, arbitrary, contrary to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 & Rules, 2014 and violative of Article 14, 21 & 300 A of constitution of India and set aside the same consequently direct the 2nd & 3rd respondents to pay the compensation to the petitioner share to the well with Electricity service connection.”

2. Heard the learned counsel for petitioner and learned Government Pleader for Land Acquisition for the official respondents 1 to 3. A reading of the affidavit filed in support of the writ petition shows that the petitioner herein is disputing the exclusive ownership of the 4th respondent in the land under the proposed acquisition. It is submitted by the learned counsel for petitioner that despite receipt of the objections dated 06-10-2016 from the petitioner, the 3rd respondent-Special Deputy Collector is not considering the objections.

3. On the contrary, it is submitted by the learned Government Pleader that the award enquiry is scheduled on 13-02-2017 and it is open for the petitioner to participate in the said enquiry by way of raising claim and also by placing the necessary documents in support of his title.

4. Having regard to the submissions made by the learned counsel for petitioner and 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 is permitted to raise his claims before the respondent authorities with regard to his right over the property.

5. For the aforesaid reasons, this writ petition is disposed of, keeping it open to the petitioner as well as unofficial respondent-4th respondent herein to raise their respective claims with supported evidence 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.

A.V.SESHA SAI, J

08.02.2017
TSNR