

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

WRIT PETITION No.45306 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 3rd respondent not recognizing petitioner ownership for an extent of Ac.1-40 Kuntas in Sy.No.21/Aa/2 situated in Kukanur Revenue Village Fields, Kukanur Mandal, West Godavari District as per succession as arbitrary, illegal and violation of Article 19, 21 & 300-A of the Constitution of India and consequently direct the Respondents for considering the representation of the Petitioner's Dt.11-07-2016 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 the learned counsel for the petitioner, learned Government Pleader for Land Acquisition for respondents 1 to 4 and Sri B.V. Rama Rao, learned counsel for the respondents 5 and 6, apart from perusing the material available on record.

3. In the present writ petition, petitioner is disputing the right of respondents 5 and 6 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 respondents 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 petitioner, the learned Government Pleader for Respondents 1 to 4 and Sri B.V. Rama Rao, learned counsel for the respondents 5 and 6, this Court is of the considered opinion that ends of justice would be served if the petitioner as well as respondents 5 and 6 are permitted to raise their claims before the Respondent authorities with regard to their right over the property.

5. For the aforesaid reasons, the Writ Petition is disposed of, keeping it open to the petitioner as well as respondents 5 and 6 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. There shall be no order as to costs.

A.V. SESA SAI, J

March 14, 2017

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