

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

WRIT PETITION No.10544 of 2017

ORDER:

This Writ Petition is filed for the following relief:

“For the reasons stated in the accompanying affidavit, the petitioners prayed that this Hon’ble Court may be pleased to issue a writ, order or direction more particularly in the nature of Writ of Mandamus declaring the action of the third respondent in not paying the petitioner’s compensation, rehabilitation and resettlement benefits payable for the land of Ac.0.10 guntas in Survey No.531 of Kukkunoor Revenue Village and Mandal of West Godavari District in spite of the representation/claim dated 25.02.2017 submitted by the petitioner pursuant to declaration in ROC.No.E-126420/2016/R&R, dated 07.10.2016 issued by 2nd respondent under Section 19(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and rules framed thereunder, as illegal, irregular, irrational and amounts to non discharge of legal obligation conferred on 3rd respondent under that statute and offends Articles 14, 21 and 300-A of Constitution of India and consequently direct the 3rd respondent to pay the petitioner’s compensation for the said land or alternatively refer the dispute to the competent authority for the determination about entitlement for compensation under Section 64 of said statute by depositing compensation before competent authority under Section 77 thereof, without disbursing the same in favour of 4th respondent.”

Heard learned counsel for petitioner and learned Government Pleader for Land Acquisition appearing for respondent No.3 and perused the material available before the Court.

In the present Writ Petition, the petitioner is disputing the right of the fourth respondent in receiving the compensation amount in respect of the subject property.

It is submitted by the learned Government Pleader that award has not been passed in respect of the subject property. It is open for the petitioner as well as the unofficial respondent to raise their claims before the authorities under the Act 30 of 2013.

Having regard to the submissions made by the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition appearing for respondent No.3, this Court is of the considered opinion that ends of justice would be served, if the petitioner as well as the unofficial respondent are permitted to raise their claims before the respondent authorities with regard to their right over the subject property.

For the aforesaid reasons, the Writ Petition is disposed of, keeping it open to the petitioner as well as the unofficial respondent to raise their respective claims before the third respondent. It is open for the third respondent to consider the same and pass appropriate orders in accordance with law.

Consequently, Miscellaneous Petitions, if any pending in this Writ Petition, shall stand closed. No order as to costs.

A.V.SESHA SAI, J

24th MARCH, 2017.
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