

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

WRIT PETITION No.16171 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 OF MANDAMUS** declaring the action of 3rd respondent in not considering the petitioner's representation dated 03.04.2017 submitted requesting him to refer the dispute to the competent authority to determine the entitlement for the compensation in respect of her land in an extent of Ac.5.27 Guntas covered by Survey No.526/A situated in Kukkunur Village and Mandal of West Godavari District, under acquisition, pursuant to Declaration under Section 19 (1) vide RC.No.E126307/2016/R&R issued by 2nd respondent, as illegal, irregular, irrational and violative of provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 rules framed there under and offends Articles 14, 21 and 300-A of Constitution of India and consequently direct the 3rd respondent to refer the said dispute to the competent authority under Section 64 of the said statute by depositing compensation with competent authority under Section 77 thereof, without disbursing the same in favour of respondents 6 and 7.”

2. Heard the learned counsel for the petitioner, the learned Government Pleader appearing for respondents 1 to 4 and the learned counsel appearing for respondents 5 to 7, apart from perusing the material available on record.

3. In the present Writ Petition, the petitioner herein is disputing the right of respondents 5 to 7 in receiving compensation amount in respect of the subject properties. It is submitted by the learned Government Pleader, on instructions, that award has not yet been

passed in respect of the subject properties and it is open for the petitioner as well as respondents 5 to 7 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 the learned counsel for respondents 5 to 7, this Court is of the considered opinion that ends of justice would be served if the petitioner as well as respondents 5 to 7 are permitted to raise their claims before the Respondent authorities with regard to their right over the property, if the award proceedings are pending.

5. For the aforesaid reasons, the Writ Petition is disposed of, keeping it open to the petitioner as well as respondents 5 to 7 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.

As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

APRIL 28, 2017

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Date:28.04.2017

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