

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.39345 OF 2016

ORDER:

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

“to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus to declare the inaction of the respondents 2 to 4 to consider the representation dt.10.08.2016 of the petitioners by passing land acquisition compensation award in their favour in respect of their notified properties i.e. to an extent Ac.6.70 cents in Sy.No.43, Ac.2.75 cents in Sy.No.46/1/A, Ac.3.65 cents in Sy.No.70/2, Ac.5.38 cents in Sy.No.79/2, Ac.2.50 cents in Sy.No.65/2, Ac.2.25 cents in Sy.No.72/1, Ac.1.90 cents in Sy.No.73/3, Ac.2.20 cents in Sy.No.91/1, Ac.0.75 cents in Sy.No.91/2, Ac.3.88 cents in Sy.No.100/5 of Koderu Village, and Ac.2.20 cents in Sy.No.30/2 of Regulapadu Village, Kunavaram Mandal, East Godavari District, Andhra Pradesh, as illegal, arbitrary and violative of principles of natural justice as well as violative of the Land Acquisition Act, 30 of 2013 and consequently, direct the respondents 2 to 4 to consider the representation dt.10.08.2016 of the petitioners and pass an award in their favour and to deposit the award amount in their personal bank account.”

2. Heard Sri K.J.V.N.Pundareekakshudu, learned counsel for the petitioners, learned Government Pleader for Land Acquisition (A.P.) appearing for respondent Nos.1 to 4 and Sri K.Sarath, learned counsel appearing for respondent No.5 apart from perusing the material available on record.

3. In the present writ petition, the petitioners herein are disputing the right of respondent No.5 in receiving the

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 petitioners as well as respondent No.5 to raise their claims before the Authorities under Act 30 of 2013.

4. Having regard to the submissions made by the learned counsel for the petitioners, the learned Government Pleader for respondent Nos.1 to 4 and the learned counsel for respondent No.5, this Court is of the considered opinion that the ends of justice would be served if the petitioners as well as respondent No.5 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 No.5 to raise their respective claims before the official respondents and it is open for the official respondents to consider the same and pass appropriate orders in accordance with law.

6. As a sequel, the miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE A.V.SESHA SAI

21.03.2017
AMD

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI



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Date: 21.03.2017

AMD