

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

W.P.No.41685 of 2016

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 the 2nd Respondent in not considering the petitioner's objections dated 17-10-2016, 31-10-2016, and 7-11-2016 as illegal, arbitrary, unjust and in violation of the Fundamental Rights guaranteed under the Constitution of India and consequentially direct the 2nd respondent to consider petitioners objections and add the petitioner's name to the list of beneficiaries for the land to be acquired in Survey No. 385 of Pedaranigudem Village, venkatapuram Hamlet, Kukkunur Mandal, West Godavari District”.

2. Heard the learned counsel for the petitioner, the learned Government Pleader appearing for Respondents 1 and 2 and the Sri N. Harinath Rao learned counsel appearing for the 3rd respondent, apart from perusing the material available on record.

3. In the present Writ Petition, the petitioner herein is disputing the right of the 3rd respondent 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 the 3rd respondent 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 and 2 and the learned counsel for the 3rd respondent, this Court is of the considered opinion that ends of justice would be served if the petitioner as well as the 3rd

respondent 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 the 3rd respondent to raise their respective claims before the 2nd respondent and it is open for the 2nd 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.

Date: 23.02.2017
grk

A.V.SESHA SAI, J



