

The Hon'ble Sri Justice A.V.Sesha Sai

Writ Petition No.6094 of 2017

Date: 08.03.2017

Order:

This Writ Petition is filed for the following substantive relief:

“to issue a writ, an order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not referring the matter to the competent authority under Section 64 and 76 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in spite of filing objections on 16.11.2016 and 8-2-2017 against the Approved Notification on 4.10.2016 in R.O.C.No.E-271611/2016/R&R published in Andhra Jyothi dated 5-10-2016 in respect of lands situated in Sy.No.16 to an extent of Ac.3.13 gts, Sy.No.35 to an extent of acres 2.25 gts as against acres 5-11 gts, Sy.No.140/A to an extent of acres 1.21 gts and Sy.No.7/GA/JA to an extent of acres 3.22 gts situated at Maredubaka Village, Kukkunuru Mandal of West Godavari District and taking steps to pay the compensation amounts to the unofficial respondents is illegal, arbitrary and in violation of Articles 14, 16 and 21 of the Constitution of India and consequently direct the respondents to refer the matter to the competent authority under the Act by duly depositing the entire compensation amount in respect of land in question.”

Heard the learned Counsel for the petitioner and the learned Government Pleader for Land Acquisition (AP) appearing for respondent Nos.1 to 3. Perused the material available on record.

In the present Writ Petition, the petitioner is disputing the right of the unofficial respondents to receive the compensation amount in respect of the subject property.

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

Having heard the submissions made by the learned Counsel for the petitioner and the learned Government Pleader, this Court is of the considered opinion that the ends of justice would be served, if the petitioner as well as the unofficial respondents are permitted to raise their respective claims relating to the subject property before the respondent authorities.

Subject to the liberty given as above, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(A.V.Sesha Sai, J)

Dt: 8th March, 2017
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