

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

Writ Petition No.5979 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, directing the respondents to refer the matter to competent authority under Section 64 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in connection with the lands of the petitioners situated in Survey Nos.168, 159/A, 159/AA, 22/A and 22/AA admeasuring an extent of Ac. 5.00 guntas, Ac.3.11 guntras, Ac.3.11 guntas, Ac.2.32 guntas, Ac.2.32 guntas respectively situated at Chirapalli Village, Kukunoor Mandal of West Godavari District, which are sought to be acquired for Polavaram project, wanting to pay compensation to the un-officials respondents No. 7 to 9 as being illegal, arbitrary and contrary to the Article 300-A of the Constitution of India and consequently to direct the respondent authorities to refer the matter to competent authority as required under the new Act, 30 of 2013 by depositing the entire amount into the court.”

Heard the learned Counsel for the petitioner and the learned Government Pleader for Land Acquisition (AP) appearing for respondent Nos.1 to 6. 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
lur

