

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

W.P.No.44684 of 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India, for the following relief:

“To issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No.3 & 4 in trying to release the entire compensation amount to the Respondent No. 6 exclusively in respect of an extent of Ac.7.28 Gts covered by Sy.No. 100 of Sridharaveleru revenue Village, Kukkunoor Mandal, West Godavari District without considering the Representation dated 01.12.2016 is arbitrary, illegal, unconstitutional, in violation of Article 14 of constitution of India and consequently direct the 4th respondent to refer the matter to a competent authority under Sec.76 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and may direct the Respondent No. 4 to dispose of the Representation dated 01.12.2016 within stipulated period and may direct the Respondent No. 3 & 4 not to release compensation to the Respondent no. 6 till disposal of the civil dispute in between Petitioners and Respondent No. 6”.

2. Heard the learned counsel for the petitioners, the learned Government Pleader appearing for Respondents 1 to 5 and the learned counsel appearing for 6th respondent, apart from perusing the material available on record.

3. In the present Writ Petition, the petitioners herein are disputing the right of 6th 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 petitioners as well as 6th 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 petitioners, the learned Government Pleader for Respondents 1 to 5 and the learned counsel for 6th respondent, this Court is of the considered opinion that ends of justice would be served if the petitioners as well as 6th 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 petitioners as well as 6th respondent to raise their respective claims before the 4th respondent and it is open for the 4th 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: 21.2.2017
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A.V.SESHA SAI, J

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