

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.3618 OF 2017

ORDER:

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

“to issue a writ or order or direction in the nature of Writ of Mandamus declaring the action of the respondents 2 & 3 issued a notification under vide ROC No.E-136025/2016/R&R, dated 6.11.2016 vide Form No.VII for the land of Ac.0.57 cents in R.S.No.42/1 A at Sl.No.43, Ac.8-10 cents in R.S.No.112/1 at Sl.No.155 in favour of respondents 4 and 5 ignoring the mentioning the name of the petitioner and ready to pay compensation to them is illegal, arbitrary and consequently direct the respondents 1 to 3 to pay the compensation to the petitioner towards her share.”

2. Heard learned counsel for the petitioner, learned Government Pleader for Land Acquisition appearing for respondent Nos.1 and 2; learned Government Pleader for Social Welfare appearing for respondent No.3 and Smt Bonthu Rajani, learned counsel appearing for respondent Nos.4 and 5 apart from perusing the material available on record.

3. In the present writ petition, the petitioner herein is disputing the right of respondent Nos.4 and 5 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 respondent Nos.4 and 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 petitioner, the learned Government Pleader for respondent Nos.1 to 3 and the learned counsel for respondent Nos.4 and 5, this Court is of the considered opinion that ends of justice would be served if the petitioner as well as respondent Nos.4 and 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 petitioner as well as respondent Nos.4 and 5 to raise their respective claims before respondent No.3 and it is open for respondent No.3 to consider the same and pass appropriate orders in accordance with law. There shall be no order as to costs.

6. Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

15.02.2017
AMD

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Date: 15.02.2017

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