

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

WRIT PETITION No. 39402 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 in the nature of Mandamus declaring the action of the official respondents in not referring the matter to the competent authority under Section 64 and Section 76 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in spite of raising objections to the preliminary notification dated 23.06.2016 on 17.08.2016 and final notification dated 07.10.2016 in October, 2016 in respect of the land to an extent of Ac.2.00 in Sy.No.321 situated at Kukkunuru Village, Kukkunuru Mandal of West Godavari district and taking steps to pay the compensation amounts in favour of the unofficial respondents 4 to 6 is illegal, arbitrary and in violation of Articles 14, 21 and 300(A) of the Constitution of India and consequently direct the 3rd respondent to refer the matter to the competent authority.”

2. Heard the learned counsel for the petitioner, the learned Government Pleader for Land Acquisition appearing for respondent Nos. 1 to 3 and Sri Nimmagadda Satyanarayana for respondent Nos. 4 to 6, 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 to 6 in receiving compensation amount in respect of the subject property. It is submitted by the learned Government Pleader, on instructions, that award has not yet been passed in respect of the subject property and it is open for the petitioner as well as respondent Nos.4 to 6 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 respondent Nos. 1 to 3 and the learned counsel for respondent Nos.4 to 6, this Court is of the considered opinion

that ends of justice would be served if the petitioner as well as respondent Nos.4 to 6 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 respondent Nos.4 to 6 to raise their respective claims before the 3rd respondent and it is open for the 3rd 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: 07.03.2017
ES



A.V.SESHA SAI, J