

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.21006 OF 2017

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 particularly one in the nature of writ of mandamus declaring the action of the respondent No.2 in not considering the petitioner's representation dated 17.06.2017 and not permitting to participate in the award enquiry in respect of the acquired land in an extent of Ac.04.04 guntas in Survey No.131/11 of Vinjaram revenue village, Kukunoor Mandal, West Godavari District acquired for the purpose of polavaram project is arbitrary, illegal and violative of Provisions of the Right to Fair Compensation and Transparency in Land Acquisition/Rehabilitation and Re-settlement Act, 2013 as also Article 21 and 300-A of the Constitution of India and consequently direct the respondent no.2 and 3 to decide the claim of the petitioners by giving them an opportunity and pay their share of compensation and to pass such other order or orders in the interest of justice.”

2. Heard learned counsel for the petitioners and perused the prayer in the writ petition with supporting affidavit and the other material on record and also heard the learned Government Pleader for Land Acquisition representing the

respondents 1 to 3, before ordering notice to the unofficial respondents 4 to 9.

3. It is the claim of the petitioner that he is also entitled to compensation along with the other unofficial respondents and 4th respondent behind the back of the petitioners obtained patta for the entire family land in his name and he is in the possession of the manager of the Joint Family for the property, thereby he is also entitled to compensation and he made a representation, not acknowledged, on 17.06.2017 to the 2nd respondent and it is not considered.

4. At the time of hearing, it is the submission of the learned Government Pleader that the award enquiry is under process.

5. Having regard to the above, this writ petition is disposed of, to submit any available recorded material with the petitioner to claim any entitlement within one week from the date of receipt of a copy of this order before the Revenue Divisional Officer – 2nd respondent, for the 2nd respondent to cause enquiry in relation to the said entitlement if any and pass appropriate orders on merits.

6. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

DR.B.SIVA SANKARA RAO,J

29.06.2017
SS