

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

WRIT PETITION No.6721 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 3rd respondent in not referring the matter to civil court under Section 30 of the Old Act and Section 76 of the New Land Acquisition Act inspite of the petitioners representation dated 18.01.2017 in connection with the petitioner lands situated in Sy No. 168/1 to an extent of Ac.1.24 gts, Dy No. 148/A/4 to an extent of Ac.0.20 gts and Sy No. 149 to an extent of Ac.0.21 gts, Sy No. 305/1/10 to an extent of Ac.5.00 gts and Sy No. 305/1/A/LU to an extent of Ac.5.00 gts situated at Kukunoor village and Mandal, West Godavari District, inspite of the ROR appeal pending before the 4th respondent without showing the petitioner name in the Land Acquisition Notification and trying to pay the compensation amounts in favour of the respondents no. 6 & 7 in respect of the land in question is illegal and void and opposed to Article, 14, 19, 21 and 300-A of Constitution of India and consequently to direct the respondents 1 to 5 to refer the matter to the civil court by depositing the entire compensation amount in respect of the land in question.”

2. Heard the learned counsel for the petitioners and learned Government Pleader for Land Acquisition for respondents 1 to 5, apart from perusing the material available on record.

3. In the present writ petition, petitioners are disputing the right of respondents 6 and 7 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 respondents 6 and 7 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 petitioners and the learned Government Pleader for Respondents 1 to 5, this Court is of the considered opinion that ends of justice would be served, if the petitioners as well as respondents 6 and 7 are permitted to raise their claims before the respondent authorities with regard to their right over the properties.

5. For the aforesaid reasons, this writ petition is disposed of, keeping it open to the petitioners as well as respondents 6 and 7 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.

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

A.V.SESHA SAI, J

01.03.2017
SS

