

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

WRIT PETITION No.40232 OF 2016

ORDER:

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

“to issue an order or direction more in the nature of mandamus declaring the action of the Collector, West Godavari District in issuing the orders for publication of the final declaration under Section 19(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No. 30/2013) in his orders in Roc.No.E/1 26307/2016, R&R, dated 30.9.2016 in Form-VII containing various erroneous names in the entries therein as illegal not in compliance with the requirement contemplated in Section 19(1) of the Act, 2013 read with the rules, 2015 and consequentially to direct the Respondents to consider the objections of the petitioners for rectification of the entries made in the impugned notification in respect of the land to an extent of Ac.2-00 gts., in Sy.No. 30/ of Ibrahimpetta village, Kukkunur Mandal of West Godavari District by removing the name of Respondent No.5 in the pattadar column and enjoyer column by way of inserting the name of the petitioner on consideration of the objections raised by the petitioners before proceeding with the implementation of the impugned notification.”

2. Heard the learned counsel for the petitioner, learned Government Pleader for Land Acquisition for respondents

1 to 4 and Sri Kowturu Pavan Kumar and learned counsel for the 5th respondent, apart from perusing the material available on record.

3. In the present writ petition, petitioner is disputing the right of 5th respondent 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 5th respondent 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 Respondents 1 to 4 and the learned counsel for 5th respondent, this Court is of the considered opinion that ends of justice would be served, if the petitioner as well as 5th respondent are permitted to raise their claims before the respondent authorities with regard to their right over the property.

5. For the aforesaid reasons, this writ petition is disposed of, keeping it open to the petitioner as well as 5th respondent 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

28.02.2017

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