

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

W.P.No.2254 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. 3 & 4, in not paying the compensation to the petitioner inspite of petitioner's name is shown in the land acquisition notification in respect of the petitioner's land to an extent of Ac.0.30 Guntas in Sy.No.159/EE out of Ac.6.14 Guntas of Komatlagudem Village, Kukunooru Mandal, West Godavari District vide notification R.O.C. No. E-126528/2016/R&R dt. 22-09-2016, inspite of petitioner and his other two brother's representation dated 25-11-2016 and trying to pay the compensation to the 6th and 7th respondents, since the land is situated in the agency area, any transaction of the land is hit by Act 1/70 and without having Patta's under regulation 2/70 is illegal and void and opposed to Article 14, 19, 21 and 300-A of Constitution of India and consequently to direct the respondents to pay the compensation amount to the petitioner herein in connection of the land in question to the petitioner herein.”

2. Heard the learned counsel for the petitioner, the learned Government Pleader appearing for Respondents 1 to 5 and the learned counsel appearing for the respondents 6 and 7 apart from perusing the material available on record.

3. In the present Writ Petition, the petitioner herein is disputing the right of the 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 petitioner as well as the respondents 6 and 7 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 Respondents 1 to 5 and the learned counsel for the respondents 6 and 7, this Court is of the considered opinion that ends of justice would be served if the petitioner as well as the respondents 6 and 7 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 the respondents 6 and 7 to raise their respective claims before the 3<sup>rd</sup> respondent and it is open for the 3<sup>rd</sup> 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:09.03.2017  
grk



A.V.SESHA SAI, J

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



W.P.No.2254 of 2017

Dated: 09.03.2017

grk