

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

W.P.No.16646 of 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India, for the following relief:

“To issue writ or direction preferably writ of mandamus declaring action of the respondents 2 & 4 in trying to pay the compensation amount to the respondents 5 & 6 in respect of the land in Sy.N0.38/A/1 to an extent of Ac.5-00 gts and in Sy.N0.38/A/2 to an extent of Ac.3-11 gts total extent of Ac.8-11 gts respectively situated at Kukkunoor Village and Mandal of West Godavari Dist., without considering our objections petitions dt:24-12-2013 & 2-5-2016 and despite pendency of ROR appeal dt:22-2-2015 before VI respondent as illegal, arbitrary, and violative of principles of natural justice and consequent)/ direct the 4th respondent to consider the objection petitions of the Petitioners dated dt:24-12-2013 & 2-5-2016 by conducting enquiry and release compensation to the petitioners”.

2. Heard the learned counsel for the petitioners, the learned Government Pleader appearing for Respondents 1 to 4 and the learned counsel appearing for Respondents 5 and 6, apart from perusing the material available on record.

3. In the present Writ Petition, the petitioners herein are disputing the right of respondents 5 and 6 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 and 5 & 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 petitioners, the learned Government Pleader for Respondents 1 to 4 and the learned counsel for respondents 5 and 6, this Court is of the considered opinion that ends of justice would be served if the petitioners as well as respondents 5

and 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 petitioners as well as respondents 5 and 6 to raise their respective claims before the 4th respondent and it is open for the 4th 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: 27.3.2017
DA

A.V.SESHA SAI, J



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27.3.2017

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