

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.4417 OF 2017

ORDER:

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

“to issue a Writ or order or Direction one in the nature of Writ of Mandamus declaring the action of the 2 & 3 Respondents taking steps to pay the compensation for the land of Ac 2-89 Cents in R.S.No.98 and Ac.2-30 Cents in R.S.No.108/4 situated at Chegondapalli Village, Polavaram Mandal, West Godavari District to the 4th Respondent in view of Draft Notification under Form II A, Dated 4-8-2009 ignoring the representation dated 2-7-2016 is illegal, arbitrary and consequently direct the respondents 1 to 3 to pay the compensation to the petitioner.”

2. Heard learned counsel for the petitioner and learned Government Pleader for Land Acquisition appearing for respondent Nos.1 to 3 apart from perusing the material available on record.

3. In the present writ petition, the petitioner herein is disputing the right of respondent No.4 in receiving compensation amount in respect of the subject properties. It is submitted by the learned Government Pleader, on instructions, that award has not been passed in respect of the subject properties and it is open for the petitioner as well as respondent No.4 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 and the learned Government Pleader for respondent Nos.1 to 3, this Court is of the considered opinion that ends of justice would be served if the petitioner as well as respondent No.4 are permitted to raise their claims before the

respondent authorities with regard to their right over the subject properties.

5. For the aforesaid reasons, the Writ Petition is disposed of, keeping it open to the petitioner as well as respondent No.4 to raise their respective claims before respondent No.3 and it is open for respondent No.3 to consider the same and pass appropriate orders in accordance with law. There shall be no order as to costs.

6. Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand closed.

15.02.2017
AMD

JUSTICE A.V.SESHA SAI



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Date: 15.02.2017

AMD