

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

W.P.No.1387 of 2017

ORDER:

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

“To issue o an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus to declare the inaction of the respondents 2 & 3 to consider the claim / representation dt. 24.12.2016 of the petitioners by passing land acquisition compensation award in their favour in respect of the petitioners notified lands for R&R package vide ROC No. E-135859/2016/R&R dt. 2.7.2016 by the 3rd respondent i.e. to an extent of Ac. 6.38 cents in R.S.No. 92/3A, Ac. 1.91 cents in R.S.No. 92/3B, Ac. 1.89 cents in RS. No. 92/3C, Ac. 1.89 cents in R.S.No. 92/3D cents and Ac. 7.03 cents in R.S.No. 92/3E in total Ac. 19.10 cents which are situated Parimpudi Narayanapuram village, Jeelugumilli Mandal, West Godavari District. A.P, as illegal, arbitrary and violative of principles of natural justice as well as violative of the New Land Acquisition Act, 30 of 2013 and set aside the irregular Form -VI(A) preliminary notification vide ROC No. E-135859/2016/R&R dt. 2.7.2016 U/s 19(1) of Act 30 of 2013 issued by the 3rd respondent in respect of petitioner's lands to an extent of Ac. 6.38 cents in R.S.No. 92/3A, Ac. 1.91 cents in R.S.No. 92/3B, Ac. 1.89 cents in RS. No. 92/3C, Ac. 1.89 cents in R.S.No. 92/3D cents and Ac. 7.03 cents in R.S.No. 92/3E in total Ac. 19.10 cents which are situated Parimpudi Narayanapuram village, Jeelugumilli Mandal, West Godavari District. A.P, and consequently direct the respondents 2 & 3 to consider the claim / representation dt. 24.12.2016 of the petitioners by rejecting the false claim of the 4th respondent and pass an award in favour of the petitioners and to deposit the award amount in their personal bank account”.

2. Heard the learned counsel for the petitioners, the learned Government Pleader appearing for Respondents 1 to 3 and the learned counsel appearing for Respondent No.4, apart from perusing the material available on record.

3. In the present Writ Petition, the petitioners herein are 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 yet been passed in respect of the subject properties and it is open for the petitioners 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 petitioners, the learned Government Pleader for Respondents 1 to 3 and the learned counsel for respondent No.4, this Court is of the considered opinion that ends of justice would be served if the petitioners as well as respondent No.4 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 respondent No.4 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. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date: 17.4.2017
DA

A.V.SESHA SAI, J

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17.4.2017

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