

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.46008 of 2016

ORDER :

This writ petition is filed under Article 226 of the Constitution of India seeking 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 3rd respondent in not referring the matter to Authority as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 inspite of Petitioners objections made on 28-10-2016 covered under Final Notification issued vide Rc.No.E-126264/ 2016 R&R, dated 22-9-2016 published in Eenadu Daily News paper in respect of lands situated in Survey Number 406 admeasuring Ac.3-39 gts situated in Sridhara Veleru Village of Kukunuru Mandal of West Godavari District and trying to pay the compensation amounts of land in question in favour of respondent No.4 herein is arbitrary, illegal and violative of Articles 14 and 300-A of Constitution of India and contrary to the Rule 3 of A.P.Schedule Area Land Transfer Regulation Act, (Act 1/ 1959) and its amendment Act 1/1970 and consequently to direct the 3rd respondent to refer the matter to the Authority by duly depositing the entire compensation amount in respect of land in question and pass such other order or orders may deem fit and proper in the circumstances of the case.”

Heard learned counsel for the petitioner, learned Government Pleader for Land Acquisition appearing for respondents 1 to 3 and Sri K.Sarath, learned counsel for respondent No.4 and perused the prayer in the writ petition with supporting affidavit and other material on record including counter-affidavit of the 4th respondent.

It is the submission of learned Government Pleader for Land Acquisition that the award proceedings have not yet been finalized. It appears from the prayer in the writ petition and as per the grievance of the petitioner and 4th respondent, the 3rd respondent-Land Acquisition Officer is not disposing of their rival claims in finalizing the land acquisition proceedings.

Having regard to the above, this Writ Petition is disposed of, directing the petitioner and 4th respondent to appear before the 3^d respondent-Land Acquisition Officer on 10.07.2017 and also on subsequent dates being fixed by the said Officer with relevant material in support of their claims and the 3rd respondent shall pass appropriate orders to decide the entitlement by proper enquiry as per the Land Acquisition Act 30 of 2013. If the parties have any further grievance, it is left open to them to agitate the same in accordance with law. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

Date:28.06.2017
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Dr. B.SIVA SANKARA RAO J,

