

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.44368 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 petitioner objections made on 3.11.2016 covered under Final Notification issued vide Rc.No.E-126335/2016 R&R dt.22.9.2016 published in Andhra Jyothi daily News paper in respect of lands situated in Survey Number 367 admeasuring Ac.3-01 gts situated in Peddaraigudem 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, 19, 21 and 300-A of Constitution of India 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.”

2. Heard Sri K.Sarath, learned counsel for the petitioner, learned Government Pleader for Land Acquisition (A.P.) appearing for respondent Nos.1 to 3 and Sri M.Rajamalla Reddy, learned counsel appearing for respondent No.4, 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 the 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 respondent No.4 to raise their claims before the Authorities under Act 30 of 2013.

4. Having regard to the submissions made by the learned counsel for the petitioner, the learned Government Pleader for respondent Nos.1 to 3 and the learned counsel for respondent No.4, this Court is of the considered opinion that the 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 the official respondents and it is open for the official respondents to consider the same and pass appropriate orders in accordance with law.

6. As a sequel, the miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

21.03.2017
AMD

JUSTICE A.V.SESHA SAI

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Date: 21.03.2017

AMD