

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.4503 OF 2017

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 17.01.2016 covered under Final Notification issued vide Rc.No.E-271433/2016 R&R dt.4.10.2016 published in Daily News paper in respect of lands situated in Survey Number 264 admeasuring Ac. 3.07 gts situated in Thondipaka Village of Kukunuru Mandal of West Godavari District and trying to pay the compensation amounts of land in question in favour of respondents Nos.4 and 5 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 consequentially 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 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 Nos.4 and 5 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 Nos.4 and 5 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 Nos.4 and 5 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 Nos.4 and 5 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.

JUSTICE A.V.SESHA SAI

15.02.2017
AMD

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI



WRIT PETITION No.4503 OF 2017

Date: 15.02.2017

AMD