

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

WRIT PETITION No. 5470 of 2017

ORDER:

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

“... to issue a writ or order or direction in the nature of Writ of Mandamus declaring the action of the respondents 1 to 3 not releasing the compensation to the writ petitioner for his land of Ac.2.00 cetns in R.S.No.95/6 at Sl.No.90, Ac.0.58 cents in R.S.No.99/2 at Sl.No.102 situated at Darbhagudem Village of Jeelugumilli Mandal, West Godavari District acquired under Notification vide ROC.No.E-136025/2016/R&R, dated 02.07.2016, as illegal, arbitrary and consequently direct the respondents 1 to 3 to pay compensation to the petitioner for the above mentioned lands.”

2. Heard the learned counsel for the petitioner, the learned Government Pleader appearing for respondent Nos. 1 to 3 and Sri P.R.K. Amarendra Kumar 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 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 submission 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 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 property.

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 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.

A.V.SESHA SAI, J

Date: 27.02.2017
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