

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

WRIT PETITION No.9908 of 2017

ORDER:

This Writ Petition is filed for the following relief:

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon’ble Court may be pleased 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 civil Court under Section 30 of the Old Act and Section 76 of the New Land Acquisition Act in spite of the petitioners representation dated 16.03.2017 in connection with the petitioners lands situated in Sy.No.132/2, an extent of Acs.5.19 Guntas, situated at Cheeravelli Revenue Village, Kukunuru Mandal, West Godavari District, in spite of the ROR appeal pending before the 4th respondent without showing the petitioner name in the Land Acquisition Proceedings/Enquiry on 15.03.2016 and trying to pay the compensation amounts in favour of Respondent No.6 in respect of the land in question is illegal and void and opposed to Articles 14, 19, 21 and 300-A of the Constitution of India and consequently to direct respondents 1 to 5 to refer the matter to the civil Court by depositing the entire compensation amount in respect of the land in question.”

Heard learned counsel for the petitioners and learned Government Pleader for respondents 1 to 5 apart from perusing the material available before this Court.

In the present Writ Petition, the petitioners are disputing the right of the sixth respondent in receiving the compensation amount in respect of the subject properties.

It is submitted by the learned Government Pleader, on instructions, that the award has not been passed so far in respect of the subject properties and it is open for the petitioners as well as the sixth respondent to raise their claims before the authorities under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013).

Having regard to the submissions made by the learned counsel for the petitioners and the learned Government Pleader, this Court is of the considered opinion that the ends of justice would be served, if the petitioners as well as the sixth respondent are permitted to raise their claims before the respondent authorities with regard to their rights over the subject properties.

For the aforesaid reasons, the Writ Petition is disposed of, keeping it open to the petitioners as well as the sixth respondent to raise their respective claims before the third respondent, who in turn, shall consider the same and pass appropriate orders in accordance with law.

Consequently, Miscellaneous Petitions, if any pending in this Writ Petition, shall stand closed. No order as to costs.

A.V.SESHA SAI, J

22nd MARCH, 2017.
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