

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

WRIT PETITION No.11803 of 2017

ORDER:

This Writ Petition is filed for the following relief:

“For the reasons stated in the accompanying affidavit, the petitioners pray 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 proceedings in R.K.Nos.SA/106/2016, dt. 29.10.2016 issued by the 3rd respondent thereby recording the name of the 4th respondent for acquisition of petitioners’ land admeasuring Acs.10.48 cents in Survey No.95/2 (Original Survey No.95) situated in Mulagalampally Village in Jeelugumilli Mandal of West Godavari District for the purpose of Polavaram Project and directing to pay compensation in favour of 4th respondent, without deciding the petitioners’ claim for payment of their share of compensation or alternatively referring the same to the Competent Authority for determination about entitlement for compensation, as illegal, irregular, arbitrary, violative of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and rules framed there under and offends Articles 14, 21 and 300-A of Constitution of India and consequently direct the 3rd respondent to pay petitioners’ shares of compensation and rehabilitation and Resettlement benefits for the aforesaid land, without paying the same to the 4th respondent or alternatively refer the dispute to the Competent Authority under Section 64 of said statute by depositing compensation with competent authority under Section 77 thereof.”

Heard learned counsel for petitioners and learned Government Pleaders for respondents 1 to 3.

The petitioners are 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 petitioners as well as respondent No.4 to raise their claims before the authorities under Act 30 of 2013.

Having regard to the submissions made by the learned counsel, this Court is of the considered opinion that ends of justice would be served, if the petitioners as well as respondent No.4 are permitted to raise their claims before the respondent authorities with regard to their rights over the properties.

For the aforesaid reasons, this Writ Petition is disposed of keeping it open to the petitioners as well as respondent No.4 to raise their respective claims before the third respondent, who in turn shall consider the same and pass 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

18th APRIL, 2017.

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