

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

**WRIT PETITION No.45102 OF 2016**

**ORDER:**

The writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

*“to issue a writ or order or direction in the nature of Writ of Mandamus declaring the action of the 1 to 3 respondents issued notification vide Roc.No.E-271611/2016/R&R, dated 4.10.2016 to the land of Ac.0-17 guntas in R.S.No.7 at Sl.No.16 and Ac.3-17 guntas in Sy.No.135 at Sl.No.314 situated at Maredubaka Village of Kukunuru Mandal shown the respondents 4 to 7 as enjoyers and steps to pay compensation to them ignoring the representation dated 4.11.2016 of the petitioner is illegal, arbitrary and violation of principles of natural justice and consequently direct the respondents to pay compensation to the petitioner.”*

2. Heard Sri Naram Nageswara Rao, learned counsel appearing for the petitioner, learned Government Pleader for Land Acquisition (A.P.) appearing for respondent Nos.1 to 3 and Sri K.Sarath, learned counsel appearing for respondent Nos.4 to 7 apart from perusing the material available on record.

3. In the present writ petition, the petitioner is disputing the right of respondent Nos.4 to 7 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 petitioner as well as the unofficial respondents herein to raise their respective claims before the authorities under Section

30 of the Land Acquisition Act, 1894 and Section 76 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4. Having regard to the submissions made by the learned counsel for the petitioner, learned Government Pleader and the learned counsel for the unofficial respondents, this Court is of the considered opinion that the ends of justice would be served if the petitioner as well as the unofficial respondents herein 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 the unofficial respondents herein to raise their respective claims before respondent No.3 and it is open to respondent No.3 to consider the same and take appropriate action in accordance with law. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

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**JUSTICE A.V.SESHA SAI**

Date: 14.2.2017  
AMD

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