

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

W.P.No.40382 of 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India, for 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 civil court under Section 30 of the Old Act and Section 76 of the New Land Acquisition Act in-spite of the petitioner representation dated 09- 08-2016 and also legal notice dated 22-08-2016, in connection with the petitioner's lands situated in Sy.No.19 to an extent of Ac.03.22 Guntas of Gummuru Revenue Village, Kukunooru Mandal, West Godavari District, without showing the petitioners name and by showing 5th respondent name as pattadar and enjoyer to the extent of Ac. 01.31 Guntas in Sy.No.19 in the Land Acquisition Notification vide R.O.C. No. E126379/2016/R86R dt. 22-09-2016 and trying to pay the compensation amount in favour of the 5th respondent in respect of the land in question. Since the land is situated in the scheduled area, any transaction of the land is hit by Act 1/70 and without having patta under regulation 2/70 is illegal and void and opposed to Article, 14, 19, 21 and 300-A of Constitution of India and consequently to direct the respondents 1 to 4 to refer the matter to the Civil Court by depositing the entire compensation amount in respect of the land in question”.

2. Heard the learned counsel for the petitioners, the learned Government Pleader appearing for Respondents 1 to 4 and the learned counsel appearing for Respondent No.5, apart from perusing the material available on record.

3. In the present Writ Petition, the petitioners herein are disputing the right of respondent No.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 yet been passed in respect of the subject properties and it is

open for the petitioners as well as respondent No.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 petitioners, the learned Government Pleader for Respondents 1 to 4 and the learned counsel for respondent No.5, this Court is of the considered opinion that ends of justice would be served if the petitioners as well as respondent No.5 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 petitioners as well as respondent No.5 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.

Date: 10.4.2017
grk

A.V.SESHA SAI, J



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10.4.2017

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