

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

W.P.No.41661 of 2016

ORDER:

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

“To issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No.3 & 4 in trying to release the compensation amount to the Respondent No. 5 and 6 in respect of the scheduled properties for an extent of Ac 3-01 Gts in Sy.No. 130, Ac 2-15 Gts in Sy.No. 131, Ac 2-00 Gts in Sy.No. 133/AA, Ac 00-17 Gts in Sy.No. 178 at Sridhara velair village, Kukunoor mandal, West Godavari District is arbitrary, illegal, unconstitutional, in violation of Article 14 and contrary to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and consequently may direct the Respondent No. 4 to dispose of the Petitioner Representation dated 30.09.2016 within stipulated period and may direct the Respondent No. 3 & 4 not to release compensation to the Respondent no. 5 and 6 or any third parties and may direct the 4th Respondent to refer the matter to competent authority under Sec.76 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 by duly depositing the land acquisition amount before the competent court till disposal of the civil dispute in between the Petitioner and Respondent No. 5 & 6”.

2. Heard the learned counsel for the petitioner, the learned Government Pleader appearing for Respondents 1 to 4 and the learned counsel appearing for Respondents 5 and 6, apart from perusing the material available on record.

3. In the present Writ Petition, the petitioner herein is disputing the right of respondents 5 and 6 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

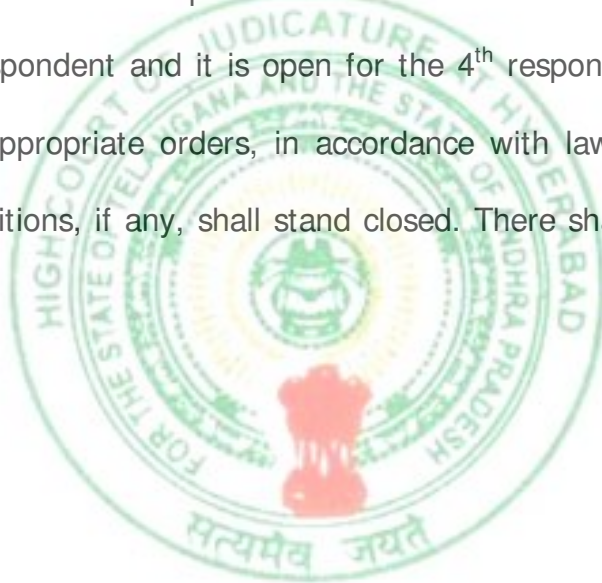
open for the petitioner as well as respondents and 5 & 6 to raise their claims before the Authorities under Act 30 of 2013.

4. Having regard to the submission made by the learned counsel for the petitioner, the learned Government Pleader for Respondents 1 to 4 and the learned counsel for respondents 5 and 6, this Court is of the considered opinion that ends of justice would be served if the petitioner as well as respondents 5 and 6 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 respondents 5 and 6 to raise their respective claims before the 4th respondent and it is open for the 4th 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: 21.2.2017
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A.V.SESHA SAI, J



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21.2.2017

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