

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

W.P.No.43401 of 2016

ORDER:

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

“To issue writ order or direction more particularly OW in the nature of writ of Mandamus to declare the action of the respondents 2 and 3 in not considering petitioner's objection and legal notice dt: 20-08-2016 submitted to the notification dated: 23-06-2016 bearing R.K. no. E12642020161R&R issued by respondent No. 1 and 2 for payment of 1/7 share of compensation amount to the petitioner of the undivided joint family property lands acquired in an extent of Ac: 15-29 gts, in Sy.No. 8, 9, 12, 71, 543, 545/A, 546/1, 550/A. 552/A, 558 and 587 situated at Kukunoor Village and Mandal, West Godavari District, State of Andhra Pradesh and making attempts to pay the entire compensation amount to respondents No. 4 to 9, is illegal, null and void and in violation of sections 3(g), 15 (2), 21 to 23 of the Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act No. 30 of 2013 and Article 300-A of the constitution of India and consequently direct the respondents No. 2 and 3 to consider petitioner's objection and legal notice dt: 2008-2016 submitted to the notification dated: 23-06-2016 bearing R.K. no. E1264202016/R&R issued by respondent No. 1 and 2 and for payment of 1/7 share of compensation amount to the petitioner of the undivided joint family property lands acquired to an extent of Ac: 15-29 gts, in Sy.No. 8, 9, 12, 71, 543, 545/A, 546/1, 550'A. 552/A, 558 and 587 situated at Kukunoor Village and Mandal, West Godavari District, State of Andhra Pradesh and till then respondents No. 1 to 3 not to disburse any compensation amount to respondents No. 4 to 9”.

2. Heard the learned counsel for the petitioner, the learned Government Pleader appearing for Respondents 1 to 3 and the learned counsel appearing for Respondents 4 to 9, apart from perusing the material available on record.

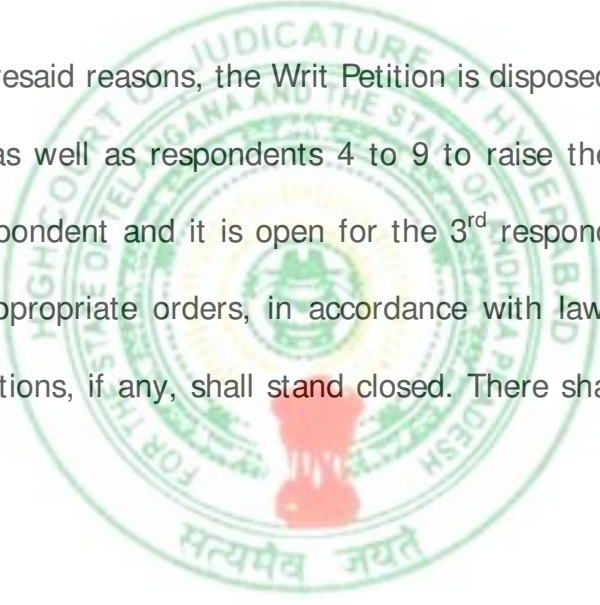
3. In the present Writ Petition, the petitioner herein is disputing the right of respondents 4 to 9 in receiving compensation amount in respect of the subject

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 4 to 9 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 3 and the learned counsel for respondents 4 to 9, this Court is of the considered opinion that ends of justice would be served if the petitioner as well as respondents 4 to 9 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 4 to 9 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: 28.2.2017
DA

A.V.SESHA SAI, J

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

W.P.No.43401 of 2016



28.2.2017

DA