

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

WRIT PETITION No.16345 OF 2017

ORDER:

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

“to issue a writ, an order or direction, more particularly one in the nature of Writ of Mandamus, directing the respondents not to disburse the compensation amounts in connection with the agricultural lands admeasuring Ac.2-00 cents and Ac.1-25 cents in Sy.No.147 of Pedaravigudem Revenue Village, West Godavari District, Agricultural Land admeasuring Ac.1-17 cents in Sy.No.44/A, of Pedaravigudem Village of West Godavari District, Agricultural Land admeasuring Ac.1-00 cents in Sy.No.44/E, of Pedaravigudem Village of West Godavari District & Residential House Bearing No.5-70/A, situated at Venkatapuram Village and hamlet of Pedaravigudem Revenue Village and Panchayat of West Godavari District, which are sought to be acquired for Polavaram project, to any persons including the Respondent Nos.8 to 11 herein.”

2. Heard the learned counsel for the petitioners, the learned Government Pleader appearing for respondents 1 to 7 and the learned counsel appearing for respondents 8 to 11, apart from perusing the material available on record.

3. In the present Writ Petition, the petitioners herein are disputing the right of respondents 8 to 11 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 respondents 8 to 11 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 7 and the learned counsel for respondents 8 to 11, this Court is of the considered opinion that ends of justice would be served if the petitioners as well as respondents 8 to 11 are permitted to raise their claims before the Respondent authorities with regard to their right over the property, if the award proceedings are pending.

5. For the aforesaid reasons, the Writ Petition is disposed of, keeping it open to the petitioners as well as respondents 8 to 11 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.

A.V.SESHA SAI, J

APRIL 28, 2017

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Date:28.04.2017

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