

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

W.P.No.23900 of 2016

ORDER:

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

“To issue any appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the impugned notification of the Respondent No.3 in Rc.No.E-136025/2016/R&R, dated 02-07-2016 wherein the land admeasuring Ac.6.00 Cents., allotted to the petitioner and another in Sy.No.195, Patacheemavarigudem Village, Jeelugumilli Mandal, West Godavari District, in violation of the prescribed principles of Tribal laws and justice as illegal, arbitrary, violative of all canons of fair play and natural justice and also violative of the constitutional rights of the Tribals and consequently direct the respondents not to acquire the land admeasuring Ac.6.00 Cents., in Sy.No.195 of Venka Patacheemalavarigudem Village, Jeelugumilli Mandal, West Godavari District for any non-tribal purposes”.

2. Heard the learned counsel for the petitioners, the learned Government Pleader appearing for Respondents 1 to 6 and the learned counsel appearing for Respondent No.7, apart from perusing the material available on record.

3. In the present Writ Petition, the petitioners herein are disputing the right of respondent No.7 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.7 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 6 and the learned counsel for respondent No.7, this Court is of the considered opinion that

ends of justice would be served if the petitioners as well as respondent No.7 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.7 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



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