

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.4419 OF 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus to declare the inaction of the respondents 2 to 4 to consider the representation / objection dt.3.1.2017 of the petitioners in questing the preliminary notification vide Roc. No.E-399839/2016/R&R dt.3.12.2016 in respect of their lands i.e. R.S.No.32/4 to an extent of Ac.4.10 cents, R.S.No.34/1E to an extent of Ac.11.19 cents, R.S.No. 34/2D to an extent of Ac.15.82 cents which are all situated at Rachannagudem village, Jeelugumilli Mandal by passing land acquisition compensation award in their favour in respect of the petitioners notified lands as illegal, arbitrary and violative of principles of natural justice as well as violative of the New Land Acquisition Act, 30 of 2013 and set aside the irregular Form - VI(A) preliminary notification vide ROC No. E-399839/2016/R&R dt.3.12.2016 U/s 19(1) of Act 30 of 2013 issued by the 2nd respondent in respect of petitioners land to an R.S.No.32/4 to an extent of Ac.4.10 cents, R.S.No.34/1E to an extent of Ac.11.19 cents, R.S.No.34/2D to an extent of Ac.15.82 cents which are all situated at Rachannagudem village, Jeelugumilli Mandal, and consequently direct the respondents 2 to 4 to consider the objection / representation dt.3.1.2017 of the petitioners by rejecting the false claim of the respondents 7 & 8 and pass an award in favour of the petitioners and to deposit the award amount in their personal bank account.”

2. Heard learned counsel for the petitioners, learned Government Pleader for Land Acquisition appearing for respondent Nos.1, 2 and 4 to 6; learned Government Pleader for Social Welfare appearing for respondent No.3 apart from perusing the material available on record.

3. In the present writ petition, the petitioners herein are disputing the right of respondent Nos.7 and 8 in receiving compensation amount in respect of the subject properties. It is submitted by the learned Government Pleader, on instructions, that award has not been passed in respect of the subject properties and it is open for the petitioner as well as respondent Nos.7 and 8 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 and the learned Government Pleader for respondent Nos.1 to 6, this Court is of the considered opinion that ends of justice would be served if the petitioners as well as respondent Nos.7 and 8 are permitted to raise their claims before the respondent authorities with regard to their right over the subject properties.

5. For the aforesaid reasons, the Writ Petition is disposed of, keeping it open to the petitioner as well as respondent Nos.7 and 8 to raise their respective claims before respondent No.3 and it is open for respondent No.3 to consider the same and pass appropriate orders in accordance with law. There shall be no order as to costs.

6. Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

15.02.2017
AMD

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Date: 15.02.2017

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