

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

WRIT PETITION No.9045 OF 2017

ORDER:

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

“to issue a writ, order or direction more particularly in the nature of WRIT OF MANDAMUS declaring the action on the part of 3rd respondent in not considering petitioners' representation/ objections/claim dated 25.01.2017 submitted for requesting to incorporate their names as persons entitled to compensation for the land admeasuring Ac.5.41 cents covered by Survey No.279/2 of Dharbhagudom Revenue Village in Jeelugumilli Mandal of West Godavari District pursuant to notification issued by 2nd respondent dated 13-12-2016 published in Andhra Prabha Telugu Daily Newspaper in Rajamahendravaram on 15-12-2016 under Section II (1) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and rules framed there under as illegal, irregular, irrational, and amounts to non-discharge of legal obligation conferred under the provisions of The Right to Fair Compensation And Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and offends Articles 14, 21 and 300-A of Constitution of India and consequently direct the 3rd respondent to consider and decide petitioners said objections/claim statement before initiating further steps and passing any award and pass such other order or orders as this Hon'ble

Court may deem fit and proper in the circumstances of the case.”

2. Heard the learned counsel for the petitioners and learned Government Pleader for respondents, apart from perusing the material available on record.

3. In the present writ petition, petitioners are disputing the right of respondents 4 to 8 in receiving compensation amount in respect of the subject property. It is submitted by the learned Government Pleader, on instructions, that award has not yet been passed in respect of the subject property and it is open for the petitioners as well as respondents 4 to 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 Respondents, this Court is of the considered opinion that ends of justice would be served if the petitioners as well as respondents 4 to 8 are permitted to raise their claims before the Respondent authorities with regard to their right over the property.

5. For the aforesaid reasons, this Writ Petition is disposed of, keeping it open to the petitioners as well as respondents 4 to 8 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.

6. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

15.03.2017
SS

