

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

W.P.No.38304 of 2016

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 one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in not referring the matter to Authority as per Section 76 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 inspite of the Petitioner made objections on 16-08-2016 and 29-9-2016 covered under Final Notification issued vide Rc.No.E126420/2016 R&R published in Eenadu Daily News paper on 10-10-2016 in respect of lands situated in Survey Number 538 admeasuring Ac. 2-39 gts situated in Kukunuru Village of Kukunuru Mandal of West Godavari District and trying to pay the compensation amounts of land in question in favour of respondent No.4 herein is arbitrary, illegal and violative of Articles 14 and 300 A of Constitution of India and consequentially to direct the 3rd respondent to refer the matter to the Authority under Act by duly depositing the entire compensation amount in respect of land in question”.

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

3. In the present Writ Petition, the petitioner herein is disputing the right of 4th respondent 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 passed in respect of the subject properties and it is open for the petitioner as well as 4th respondent 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 4th respondent, this Court is of the considered opinion that ends of justice would be served if the petitioner as well as 4th respondent 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 4th respondent 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: 7.2.2017
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A.V.SESHA SAI, J



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