

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

WRIT PETITION No.45239 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 to declare the action of the Respondents 1 to 3 in preparing to distribute the compensation amounts to the Respondents 4 to 8 instead of referring the matter to the Authority specified in Section 51 of Act 30 of 2013 or depositing the same in Civil Court by referring the matter to the Civil Court, on the Objections submitted by the petitioner Dated:19.7.2016 & 9.8.2016 to the rd Respondent, to decide the rights of the petitioners and interested parties in respect of the properties in Sy.No.75, to an extent of Ac.1-38 guntas, Sy.No.76, to an extent of Ac.6.12 guntas, Upperu Village, Kukkunoor Mandal, West Godavari District, which were acquired by the State Government under land acquisition proceedings, as illegal, arbitrary and violative of provisions of Act 30 of 2013 and contrary to the Articles 14,21 and 300A of the Constitution of India, consequently to direct the Respondents to refer the matter to the authority or Civil reference to decide the proportionate rights of the petitioners”.

2. Heard the learned counsel for the petitioner, the learned Government Pleader appearing for Respondents 1 to 3, Sri Kowturu Pavan Kumar, learned counsel appearing for respondents 4 and 5 and Sri M. Rajamalla Reddy, learned counsel appearing for respondents 6 to 8, apart from perusing the material available on record.

3. In the present Writ Petition, the petitioner herein is disputing the right of respondents 4 to 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 yet passed in respect of the subject properties and it is open for the petitioner 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 petitioner, the learned Government Pleader for Respondents 1 to 3 and the learned counsel for respondents 4 to 8, this Court is of the considered opinion that ends of justice would be served if the petitioner 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, the Writ Petition is disposed of, keeping it open to the petitioner 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. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V. SESA SAI, J

March 07, 2017

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