

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

WRIT PETITION No.44337 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 in the nature of declaring the action of the respondents in not referring the matter to the competent authority under Section 64 and 76 in spite of filing objections by the petitioners to the draft notification dated 24.06.2016 and final notification dated 08.10.2016 and in spite of submitting objections for the award enquiry dated 03.12.2016 in respect of the land situated in Sy.No.152 (152/A) to an extent of 7.20 acres as against 9.20 acres as illegal, arbitrary and in violation of Articles 14, 21 and 300(A) of the Constitution of India and consequently direct the respondents to refer the matter to the competent authority by duly depositing the entire compensation amount in respect of the land in question.”

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

3. In the present Writ Petition, the petitioners herein are disputing the right of respondent No.4 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 respondent No.4 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 respondent Nos. 1 to 3 and the learned counsel for respondent No.4, this Court is of the considered opinion that ends of justice would be served if the petitioners as well as respondent No.4 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.4 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.SESHA SAI, J

Date: 20.04.2017
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