

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

WRIT PETITION No.38286 of 2016

ORDER:

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

“to issue an order or direction more in the nature of mandamus to declare 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 3-10-2016 covered under Preliminary Notification issued vide Rc.No.E-131169/2016 R&R dated 28.6.2016 published in Sakshi Daily News paper in respect of lands situated in Survey Number 41 admeasuring Ac.5-25 gts situated in Maredubaka 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 and to pass such other order or orders as this Hon'ble Court may deems fit just and proper.”

2. Heard the learned counsel for the petitioner and learned Government Pleader for Land Acquisition for respondents 1 to 3, apart from perusing the material available on record.

3. In the present writ petition, petitioner 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 been 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 and the learned Government Pleader for Respondents 1 to 3, 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.

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

A.V. SETHA SAI, J

March 14, 2017

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