

HON' BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.2132 of 2017

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* declaring the action of the 3rd respondent in not referring the matter to civil court under Section 30 of the Old Act and Section 76 of the New Land Acquisition Act, in spite of the petitioner representation dated 26.12.2016 in connection with the petitioners lands situated in Sy.No.22/ aa to an extent of Hc.2.87 acres, Sy.No.28/ 2 to an extent of Ac.6.30 cents and Sy.No.33 to an extent of Ac.13.38 cents situated at Lingapuram Village, Kunavaram Mandal, East Godavari District, in spite of the ROR appeal pending before the 4th respondent without showing the petitioners name in the Land Acquisition Notification dated 03.12.2016 and trying to pay the compensation amounts in favour of the 6th respondent in respect of the lands in question, as illegal and consequently to direct the respondents 1 to 5 to refer the matter to the civil court by depositing the entire compensation amount in respect of the lands in question.”

2. Heard Sri Pitta Srinivasa Reddy, learned counsel for the petitioners, learned Government Pleader for Land Acquisition for respondents 1 to 5 and Sri Kondaparthi Srinivasa, learned counsel for the 6th Respondent, apart from perusing the material available on record.

3. In the present writ petition, petitioners are disputing the right of the 6th 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 petitioners as well as the 6th

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 petitioners, the learned Government Pleader for Respondents 1 to 5 and the learned counsel for the 6th respondent, this Court is of the considered opinion that ends of justice would be served if the petitioners as well as the 6th 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 petitioners as well as the 6th 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. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

A. V. SESA SAI, J

Date: 16.03.2017
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