

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

WRIT PETITION No.2577 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 to declare the action of the respondents in not considering the objection raised by the petitioner on 9.12.2016 as illegal arbitrary and contrary to the provisions Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Re-settlement Act, 2013 and consequentially direct the respondent No.3 not to release the compensation amount in respect of the land covered in RS.No.109 an extent of Ac.13.23 Cts., RS.No.116 an extent of Ac.3.11 Cts, RS.No.118 an extent of Ac.8.26 of Sridhar Veluru Village, Kukkunur Mandal, West Godavari District.”

2. Heard the learned counsel for the petitioner, learned Government Pleader for Land Acquisition for respondents 1 to 3, Sri M. Rajamalla Reddy, learned counsel for the 4th respondent and Sri M. Srinivasa Rao, learned counsel for the 5th and 6th respondents, apart from perusing the material available on record.

3. In the present writ petition, petitioner is disputing the right of respondent Nos.4 to 6 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

respondent Nos.4 to 6 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, Sri M. Rajamalla Reddy, learned counsel for the 4th respondent and Sri M. Srinivasa Rao, learned counsel for the 5th and 6th respondents, this Court is of the considered opinion that ends of justice would be served if the petitioner as well as respondent Nos.4 to 6 are permitted to raise their claims before the Respondent authorities with regard to their right over the properties.

5. For the aforesaid reasons, the Writ Petition is disposed of, keeping it open to the petitioner as well as respondent Nos.4 to 6 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. SESA SAI, J

March 14, 2017

PN

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



WRIT PETITION No.2577 of 2017

March 14, 2017