

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

WRIT PETITION No.9152 OF 2017

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 MANDAMUS, declaring the action of the 2nd respondent in disbursing the compensation to the unofficial respondent who figured at Sl.No.215 to 218 to an extent of Ac. 4-29 Cents and Ac. 4-31 Cents in Sy.Nos. 81 and 82 of Upperu Village, Kukunooru Mandal, West Godavari District in Notification dt. 05.10.2016 under Section-19 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as illegal, arbitrary, unconstitutional, without notice or opportunity of being heard, without conducting a detailed enquiry, violative of Art. 14, 21 and 300 (A) of the Constitution of India and consequently direct the 2nd respondent to release the compensation to the petitioner and his family members who are the absolute owners of the land Ac. 4-29 Cents and Ac. 4-31 Cents in Sy.Nos. 81 and 82 of Upperu Village, Kukunooru Mandal, West Godavari District, and pass such other order or orders as this Hon'ble High Court may deem fit and proper in the circumstances of the case.”

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

3. In the present writ petition, petitioner is disputing the right of 5th 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 5th 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, this Court is of the considered opinion that ends of justice would be served if the petitioner as well as 5th respondent are permitted to raise their claims before the Respondent authorities with regard to their right over the property.

5. For the aforesaid reasons, this Writ Petition is disposed of, keeping it open to the petitioner as well as 5th respondent to raise their respective claims before the 2nd respondent and it is open for the 2nd 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. No order as to costs.

A.V.SESHA SAI, J

15.03.2017
SS

