

HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.10935 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 in the nature of Writ of Mandamus declaring the inaction on the part of 3rd respondent on petitioners' representation/objection/claim dated 30.01.2017 submitted for requesting to incorporate the names of petitioners as Pattadars and possessors to receive compensation, rehabilitation and resettlement benefits for the land admeasuring Ac.1.50 cents covered by Survey No.300/2 situated in Dharbhagudem Revenue Village in Jeelugumilli Mandal of West Godavari District in place of 4th respondent pursuant to preliminary Notification dated 13.12.2016 issued by 2nd respondent, as illegal, irregular, irrational, and amounts to non-discharge of legal obligation conferred under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and offends Articles 14, 21 and 300-A of Constitution of India and consequently direct the 3rd respondent to consider and decide petitioners' said claim before initiating further proceedings or alternatively refer the dispute to the competent authority under Section 64 of said Statute by depositing compensation with competent authority under Section 77 thereof, without paying to 4th respondent”

2. Heard learned counsel for the petitioners, learned Government Pleader appearing for Respondents 1 to 3 and

the 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 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 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, 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 respondent authorities and it is open for the respondent authorities to consider the same and pass appropriate orders, in accordance with law.

6. As a sequel, Miscellaneous Petitions pending consideration, if any, in the Writ Petition shall stand closed.

No order as to costs.

JUSTICE A.V. SESA SAI

28.03.2017.

Msr



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