

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

WRIT PETITION No.4598 of 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India, for the following relief:

“... to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus to declare the action of the respondent authorities in proposing to pay the compensation amount pertaining to the acquisition of land admeasuring Ac.4.26 cents in Sy.No.396 situated at Sridharaveleru Village, Kukunuru Mandal, West Godavari District for the purpose of Polavaram Irrigation Project, to the 5th respondent herein without verifying the records in spite of the written representation dated 02.11.2016, as being illegal, arbitrary and unconstitutional and consequently, direct the respondent authorities to pay the compensation amount pertaining to the above said land to the petitioner duly verifying the title documents.”

2. Heard the learned counsel for the petitioner, the learned Government Pleader appearing for respondent Nos. 1 to 4 and the learned counsel appearing for respondent No. 5, apart from perusing the material available on record. .

3. In the present Writ Petition, the petitioner herein is disputing the right of respondent No.5 in receiving compensation amount in respect of the subject property. It is submitted by the learned Government Pleader, on instructions, that award has not yet been passed in respect of the subject property and it is open for the petitioner as well as respondent No.5 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 respondent Nos. 1 to 4 and the learned counsel for respondent No.5, this Court is of the considered opinion that ends of justice would be served if the petitioner as well as respondent No.5 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 respondent No.5 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. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 27.02.2017
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