

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

WRIT PETITION No.6560 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 WRIT OF MANDAMUS declaring the Preliminary Notification and declaration in ROC No.E-126420/2016/R&R 10/2016 issued by the 2nd respondent published in Eenadu daily of 10th October, 2016 and all pursuant proceedings thereto, passed by the 3rd respondent in favour of Respondents 5 and 6 in respect of landed property admeasuring Ac. 5.27 Guntas in Survey Number 526/9 of Kukunuru Village and Mandal of West Godavari District, as illegal, irregular, arbitrary, violative of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and rules framed there under and offends articles 14, 21 and 300-A of Constitution of India and consequently direct the 3rd respondent to pay petitioner's share of compensation and rehabilitation and Resettlement benefits for the afore said land, without paying the same to the Respondents 5 & 6.”

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

the learned counsel appearing for respondents 4 to 6, apart from perusing the material available on record.

3. In the present writ petition, the petitioner herein is disputing the right of respondents 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 respondents 4 to 6 to raise their claims before the Authorities under Act 30 of 2013.

4. Having regard to the submissions made by the learned counsel for the petitioner, the learned Government Pleader for Respondents 1 to 3 and the learned counsel for respondents 4 to 6, this Court is of the considered opinion that ends of justice would be served, if the petitioner as well as respondents 4 to 6 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 respondents 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. No order as to costs.

27.02.2017
SS

A.V.SESHA SAI, J

