

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

WRIT PETITION No.3905 of 2017

ORDER:

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

“ .. to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 3rd respondent in not considering petitioners' objections-cum-claim statement dated 27.07.2016 submitted pursuant to declaration under 19 of The Right to Fair Compensation And Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in ROC No.E-126391/2016/R&R dt.08.10.2016 issued by the second respondent for payment of petitioners' share of compensation out of the lands admeasuring Ac 1.27 cents. 0.05 cents, 0.05 cents, 0.05 cents, 0.07 cents, 0.07 cents respectively covered by survey no's 196/A, 198/EE/1, 198/EE/2, 198/EE/3, 198/EE/4, 198/EE/5 of of Dacharam Revenue village in Kukkunuru Mandal of West Godavari District, as illegal, irregular, arbitrary and violative of the provisions of the said statute and offends articles 14, 21 and 300-A of Constitution of India and consequently direct the 3 respondent to process petitioners' claim for payment of compensation or alternatively refer the dispute to the competent authority under section 64 of said statute by depositing compensation with competent authority under section 77 of said statute and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard the learned counsel for the petitioners, the learned Government Pleader appearing for Respondents 1 to 3, apart from perusing the material available on record.

In the present Writ Petition, the petitioners 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 passed in respect of the subject properties and it is open for the

petitioners as well as respondent No.4 to raise their respective claims before the Authorities under Act 30 of 2013.

Having regard to the submission made by the learned counsel for the petitioners and the learned Government Pleader, 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 respective claims before the Respondent authorities with regard to their right over the subject properties.

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 3rd respondent and it is open for the 3rd respondent to consider the same and pass appropriate orders, in accordance with law.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. No order as to costs.

JUSTICE A.V.SESHA SAI

27.02.2017
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