

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

WRIT PETITION No.2383 of 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue an order or direction more in the nature of mandamus to declare the action of the 3rd respondent in not referring the matter to civil court under Section 30 of the Old Act and Section 76 of the New Land Acquisition Act inspite of the petitioners representation dated 02.05.2016 in connection with the petitioner lands situated in Sy.No.516 to an extent of Ac.2.33 gts situated at Kukkunuru village and mandal, East Godavari District. inspite of the ROR appeal pending before the 4th respondent without showing the petitioner name in the Land Acquisition Notification dt.07.10.2016 and trying to pay the compensation amounts in favour of the respondents No.6 & 7 in respect of the land in question is illegal and void and opposed to Article, 14, 19, 21 and 300-A of Constitution of India and consequently to direct the respondents 1 to 5 to refer the matter to the civil court by depositing the entire compensation amount in respect of the land in question.”

2. Heard the learned counsel for the petitioner, learned Government Pleader for Land Acquisition for respondents 1 to 5 and Sri M. Rajamalla Reddy, learned counsel for the respondents 6 and 7, apart from perusing the material available on record.

3. In the present writ petition, petitioner is disputing the right of respondents 6 and 7 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 respondents 6 and 7 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 Respondents 1 to 5 and Sri M. Rajamalla Reddy, learned counsel for the respondents 6 and 7, this Court is of the considered opinion that ends of justice would be served if the petitioner as well as respondents 6 and 7 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 respondents 6 and 7 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. There shall be no order as to costs.

A.V. SESA SAI, J

March 14, 2017

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