

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

WRIT PETITION No.16266 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 nature of Writ of Mandamus declaring the action of the 2 to 4 Respondents not disposing of the representation dated 18-03-2017 to refer the land acquisition proceedings with regard to the land of acres 6-00 cents in R.S. No.195 situated at Patacheemavarigudem Village, Jeelugumilli Mandal of West Godavari District at Serial No.10 of Land Acquisition Notification vide ROC No. E-136025/2016/R&R, dated 02-07-2016 to the competent authority as per Sections 207, 463 and 464 IPC R/w Section 51 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is illegal, arbitrary and violation of principles of natural justice and consequently direct the respondents 1 to 4 to pay compensation to the petitioner with regard to the above mentioned land.”

2. Heard the learned counsel for the petitioners, the learned Government Pleader appearing for respondents 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 petitioners herein are disputing the right of respondent No.5 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.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 petitioners, the learned Government Pleader for Respondents 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 petitioners as well as respondent No.5 are permitted to raise their claims before the Respondent authorities with regard to their right over the property, if the award proceedings are pending.

5. For the aforesaid reasons, the Writ Petition is disposed of, keeping it open to the petitioners as well as respondent No.5 to raise their respective claims before the 4th respondent and it is open for the 4th 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

APRIL 28, 2017

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Date:28.04.2017

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