

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

WRIT PETITION No.16047 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 action of respondents 1 to 5 in contemplating to pay compensation, rehabilitation and resettlement benefits in favour of respondents 6 to 12 for landed property in total admeasuring Ac.7.07 Guntas covered by Survey Nos.234; 235/A; 235/AA; 235/E; 235/EE; 236/AA; 236/E; 236/EE; 240/A; 240/AA; 240/E; 241/A; 241/AA; 241/E; 261 situated in Tondipaka Revenue Village in Kukunoor Mandal of West Godavari District, pursuant to declaration in ROC No.E-271433/2016/R&R dated 04.10.2016 issued by 2nd respondent and further action of 4th respondent in not considering my objections and claim for compensation under Section 15, 21, 22 and 23 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, 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.”

2. Heard the learned counsel for the petitioner, the learned Government Pleader appearing for respondents 1 to 5 and the learned counsel appearing for respondents 6 to 12, apart from perusing the material available on record.

3. In the present Writ Petition, the petitioner herein is disputing the right of respondents 6 to 12 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 6 to 12 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 the learned counsel for respondents 6 to 12, this Court is of the considered opinion that ends of justice would be served if the petitioner as well as respondents 6 to 12 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 petitioner as well as respondents 6 to 12 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

APRIL 28, 2017

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Date:28.04.2017

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