

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

W.P.No.2048 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 action of 3rd respondent in passing award and contemplating to pay compensation for the petitioner's land of Ac.0.36 guntas covered by Survey No.31 now subdivided and assigned with Survey No.31/AA/1 of Kondapalli Revenue Village in Kukkunur Mandal of West Godavari District, acquired under the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and rules framed there under, in favour of 5th respondent, though the name of the petitioner predecessor Late Pamula Sobhanadreswara Rao was recorded as Pattadar and possessor in the preliminary Notification issued on 05.10.2009 and declaration published on 24.06.2016 and mentioning the petitioner name as possessor in Award Enquiry Notice issued under R.C.No.88/2016, dated 05.10.2016, as illegal, irregular, arbitrary, and violative of the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and rules framed thereunder and offends articles 14, 21 and 300-A of Constitution of India and consequently direct the 3rd respondent to pay the petitioner compensation and other rehabilitation and Resettlement benefits for the said land or alternatively deposit the compensation amount before the competent authority under Section 77 of the said statute by referring the dispute as regards the claim to the competent authority as provided under Section 64 of the said statute and pass.”

2. Heard the learned counsel for the petitioner, the learned Government Pleader appearing for Respondents 1 to 4 and the learned counsel appearing for the respondent No.5 apart from perusing the material available on record.

3. In the present Writ Petition, the petitioner herein is disputing the right of the 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 petitioner as well as the 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 petitioner, the learned Government Pleader for Respondents 1 to 4 and the learned counsel for the respondent No.5, this Court is of the considered opinion that ends of justice would be served if the petitioner as well as the respondent No.5 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 the respondent No.5 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

Date:09.03.2017
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI



W.P.No.2048 of 2017

Dated: 09.03.2017

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