

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

W.P.No.201 of 2017

ORDER:

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

“To issue writ or direction preferably writ of mandamus declaring the action of the 3rd respondent in trying to release the compensation amounts in favour of the respondents 5 to 10 in respect of the land in Sy. NO. 9 Khalsa to an extent of Acs.4-16 gts out of Acs.8-33 gts and the land in Sy. No. 17 Khalsa to an extent of Acs. 2-29 gts respectively total admeasuring Acs. 7-05 gts situated at Kondapalli Revenue Village of Kukunoor Mandal of West Godavari Dist., Andhra Pradesh, as illegal, arbitrary, and violative of principles of natural justice and consequently direct the 3rd respondent to refer the matter to the authority under Sec. 76 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 30/2013.”

2. Heard the learned counsel for the petitioners, the learned Government Pleader appearing for Respondents 1 to 4 and the learned counsel appearing for the respondents 5 to 10 apart from perusing the material available on record.

3. In the present Writ Petition, the petitioners herein are disputing the right of the respondents 5 to 10 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 the respondents 5 to 10 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 the respondents 5 to 10, this Court is of the considered

opinion that ends of justice would be served if the petitioners as well as the respondents 5 to 10 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 petitioners as well as the respondents 5 to 10 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.

Date:09.03.2017
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A.V.SESHA SAI, J

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



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Dated: 09.03.2017

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