

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

WRIT PETITION No.44264 of 2016

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 Preliminary Notification in ROC No.E-126420/2016/R&R dated: 23.06.2016 and declaration in ROC No: E-126420/2016/R&R dated 07.10.2016 issued by 2nd respondent and further action of 4th respondent in not entertaining the petitioner's objections and not considering the petitioner claim for compensation under Sections 15, 21, 22 and 23 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for her share of undivided and unspecified 1/4th out of total extent of Ac.40.18 Guntas covered by Survey Nos.18, 57, 80, 81, 355, 492, 493, 494, 498, 499, 544 of Kukunur Village and Mandal of West Godavari District, despite the petitioner objections/claim statement dated 06.12.2016, as illegal, irregular, arbitrary, 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 4th respondent to pay the petitioner's compensation and Rehabilitation and Resettlement benefits for the afore said lands, without paying the same either to the 5th respondent or to any third parties, 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.”

2. Heard the learned counsel for the petitioner, learned Government Pleader for Land Acquisition for respondents 1 to 4 and Smt.M. Rajeswari, learned counsel for the 5th respondent, apart from perusing the material available on record.

3. In the present writ petition, petitioner is 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 petitioner 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 petitioner, the learned Government Pleader for Respondents 1 to 4 and Smt.M. Rajeswari, learned counsel for the 5th respondent, this Court is of the considered opinion that ends of justice would be served if the petitioner as well as respondent No.5 are permitted to raise their claims before the Respondent authorities with regard to their right over the properties.

5. For the aforesaid reasons, the Writ Petition is disposed of, keeping it open to the petitioner 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.

6. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. There shall be no order as to costs.

March 14, 2017

PN

A.V. SESA SAI, J



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