

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

W.P.No.3208 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 and 4th respondents in not showing the petitioners names in land acquisition notification in respect of the petitioners patta lands in Sy.No. 30/4 to an extent of Ac.6.00 and in Sy.No.30 /4 /2 to an extent of Ac.01.00 of Bojjaraigudem Village, Konavaram Mandal, East Godavari District and sent a proposal by the 4th respondent vide letter dated 09-10-2007 to pay the compensation as exgratia to the respondent Nos. 5 to 7, inspite of the petitioners representation dated 06-01-2017 is illegal and void and opposed to Article 14, 19, 21 and 300-A of Constitution of India and consequently to direct the respondent Nos. 1-4 to refer the matter to Civil Court by depositing the entire exgratia/ Compensation amounts in respect of the petitioners land in question into Civil Court”.

2. Heard the learned counsel for the petitioners, the learned Government Pleader appearing for Respondents 1 to 4 and the learned counsel appearing for Respondents 5 to 7, apart from perusing the material available on record.

3. In the present Writ Petition, the petitioners herein are disputing the right of respondents 5 to 7 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 respondents and 5 to 7 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 respondents 5 to 7, this Court is of the considered opinion that ends of justice would be served if the petitioners as well as respondents 5 to 7 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 respondents 5 to 7 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: 10.4.2017
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A.V.SESHA SAI, J

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