

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

WRIT PETITION No. 8028 of 2017

ORDER:

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

“... to issue appropriate writ, order or directions more particularly in the nature of writ of Mandamus declaring the action of the 3rd respondent in not referring the matter to civil Court under Section 30 of the old Act and Section 76 of the new Land Acquisition Act in spite of the petitioner representation/objections made on dated 20.02.2017 covered under final notification issued vide Roc.No.E-126420/2016/R&R dated 10.2016 published on dated 10.10.2016 in Eenadu daily Telugu newspaper at serial No.1363, in connection with the petitioner's land admeasuring 2 acres in Sy.No.565/5 (565/A/2) situated in Kukkunoor Village and Mandal, West Godavari District and trying to pay the compensation amount in favour of the 6th respondent in respect of the land in question as illegal and void and opposed to Articles 14, 19, 21 and 300A of the Constitution of India and consequently direct the respondents 1 to 5 to pay compensation amount to the petitioner in respect of the subject land or alternatively direct the respondents 1 to 5 to refer the matter to civil Court by depositing the entire compensation amount in respect of the subject land in question.”

2. Heard the learned counsel for the petitioner, the learned Government Pleader for Land Acquisition appearing for respondent Nos. 1 to 5 and learned counsel for respondent No.6, apart from perusing the material available on record.

3. In the present Writ Petition, the petitioner herein is disputing the right of respondent No.6 in receiving compensation amount in respect of the subject property. It is submitted by the learned Government Pleader, on instructions, that award has not yet been passed in respect of the subject property and it is open for the petitioner as well as respondent No.6 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 respondent Nos. 1 to 5 and the learned counsel for respondent No.6, this Court is of the considered opinion that

ends of justice would be served if the petitioner as well as respondent No.6 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 respondent No.6 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: 08.03.2017
ES

A.V.SESHA SAI, J

