

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

WRIT PETITION No.40372 OF 2016

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 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 dated 02-07-2016 and also legal notice dated 01-11-2016, in connection with the petitioner's lands situated in Sy.No.7 to an extent of 0.36 Guntas & Sy.No.8 to an extent of Ac. 2.25 Guntas of Gummuru Revenue Village, Kukunooru Mandal, West Godavari District, without showing the petitioner's name and by showing 5th respondent name as pattadar and enjoyer in the Land Acquisition Notification vide R.O.C.No.E-126379/2016/R&R, dt.22-09-2016 and trying to pay the compensation amount in favour of the respondent No.5, in respect of the land in question. Since the land is situated in the scheduled area, any transaction of the land is hit by Act 1/70 and without having patta under regulation 2/70 is illegal and void and opposed to Article, 14, 19, 21 and 300-A of Constitution of India and consequently to direct the respondents 1 to 4 to refer the matter to the Civil Court by depositing the entire compensation amount in respect of the land in question.”

2. Heard the learned counsel for the petitioner, learned Government Pleader for Land Acquisition for respondents 1 to 4 and Sri M.Rajamalla Reddy, 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 the 5th respondent 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 5th respondent to raise their claims before the Authorities under Act 30 of 2013.

4. Having regard to the submissions made by the learned counsel for the petitioner, the learned Government Pleader for Respondents 1 to 4 and the 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 5th respondent are permitted to raise their claims before the respondent authorities with regard to their right over the properties.

5. For the aforesaid reasons, this writ petition is disposed of, keeping it open to the petitioner as well as the 5th respondent 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.

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

A.V.SESHA SAI, J

28.02.2017
SS

