

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

WRIT PETITION No.41185 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 action of the 3rd respondent in not referring the matter to Authority as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 inspite of Petitioner objections made on 3-10-2016 covered under Final Notification issued vide Rc.No.E-126235/2016 R&R dt.30-9-2016 published in Pr-ajasakthi Daily News paper in respect of lands situated in Survey Number 73 admeasuring Ac.1-00 gts situated in Kondapalli Village of Kukunuru Mandel of West Godavari District and trying to pay the compensation amounts of land in question in favour of respondent No.4 herein is arbitrary, illegal and violative of Articles 14 and 300 A of Constitution of India and Contrary to the Rule 3 of A.P. Schedule Area Land Transfer Regulation Act, (Act 1/1959) and its amendment Act 1/1970 and consequentially to direct the 3rd respondent to refer the matter to the Authority by duly depositing the entire compensation amount in respect of land in question.”

2. Heard the learned counsel for the petitioner and learned Government Pleader for Land Acquisition for respondents 1 to 3, apart from perusing the material available on record.

3. In the present writ petition, petitioner is disputing the right of 4th respondent 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 4th respondent 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 and the learned Government Pleader for Respondents 1 to 3, this Court is of the considered opinion that ends of justice would be served if the petitioner as well as 4th respondent 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 4th 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. There shall be no order as to costs.

A.V. SETHA SAI, J

March 14, 2017

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