

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

WRIT PETITION No.39620 OF 2016

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue writ of Mandamus declaring the inaction of the respondents in particular the 3rd respondents in referring the matter to civil court under section 30 of old L.A.Act/section 76 of new L.A. Act, inspite of the representation 05/10/2016, in connection with the lands of the petitioner situated in S.No 14 and 431 admeasuring Ac 0.11 gts and ac 7.34 gts respectively of Sridharaveleru Village of Kukknor Mandal which are sought to be acquired vide notification ROC No.E 126264/R/R, Dt.22.09.2016, Published in Eenaadu, Telugu Daily, without showing the name of the petitioner and wanting to pay compensation to respondent no 6&7 as illegal, arbitrary and opposed to right to hold property under Art 300-A of the constitution of India and consequently to direct the respondent authorities to refer the matter to civil court by depositing the entire amount in to the court.”

2. Heard the learned counsel for the petitioner, learned Government Pleader for Land Acquisition for respondents 1 to 5 and Sri M.Rajamalla Reddy, learned counsel for the respondents 6 and 7, apart from perusing the material available on record.

3. In the present writ petition, petitioner is disputing the right of the respondents 6 and 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 petitioner as well as respondents 6 and 7 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 5 and the learned counsel for respondents 6 and 7, this Court is of the considered opinion that ends of justice would be served, if the petitioner as well as respondents 6 and 7 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 respondents 6 and 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.

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

