

The Hon'ble Sri Justice A.V.Sesha Sai

Writ Petition No.5173 of 2017

Date: 08.03.2017

Order:

This Writ Petition is filed for the following substantive relief:

“to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 2 to 6 in accepting part of petitioner's land to an extent of Acs.3.00 out of Acs.16.07 gts., in Sy.Nos.44, 45 and 45/1 of Kandrikagudem Village, Buttaigudem Mandal, West Godavari District, to R.R. Package Scheme of Polavaram Project, surrendered by the un-official respondent though he did not have any title, right and possession over the same, as illegal, irregular, arbitrary and violative of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and Rules framed thereunder and violative of the provisions of Articles 14, 21 and 300-A of the Constitution of India, and consequently, direct the official respondents not to accept the surrender of the said land and not to dispossess the petitioner from the said land.”

Heard the learned Counsel for the petitioner and the learned Government Pleader for Land Acquisition (AP) appearing for respondent Nos.1 to 6. Perused the material available on record.

In the present Writ Petition, the petitioner is disputing the right of the unofficial respondent to receive the compensation amount in respect of the subject property.

It is submitted by the learned Government Pleader, on instructions, that the award has not yet been passed in respect of the subject property and that it is open for the petitioners as well as the unofficial respondent to raise their claims before the authorities under Act 30 of 2013.

Having heard the submissions made by the learned Counsel for the petitioner and the learned Government Pleader, this Court is of the considered opinion that the ends of justice would be served, if the petitioner as well as the unofficial respondent are permitted to raise their respective claims relating to the subject property before the respondent authorities.

Subject to the liberty given as above, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.6293 of 2017, filed by the petitioner for interim relief, is disposed of as infructuous.

(A.V.Sesha Sai, J)

Dt: 8th March, 2017
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