

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

WRIT PETITION No.42097 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 Respondents in not referring the matter to competent authority under Section 64 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in spite of representation dated 5.11.2016, in connection with the lands of the petitioners situated in Sy.Nos.93, 100, 145, 146, 157 and 158 admeasuring total extent of Ac.14.05 Guntas situated as Kivvaku Village, Kukunooru Mandal, West Godavari District which are sought to be acquired for Polavaram project, wanting to pay compensation to the un-officials respondents Nos.7 to 19 as being illegal, arbitrary and contrary to the Article 300-A of the Constitution of India and consequently to direct the respondent authorities to refer the matter to competent authority as required under the new Act, 30 of 2013 by depositing the entire amount into the court.”

2. Heard the learned counsel for the petitioners and learned Government Pleaders for Revenue and Land Acquisition for respondents 1 to 6, apart from perusing the material available on record.

3. In the present writ petition, petitioners are disputing the right of respondents 7 to 19 in receiving compensation amount in respect of the subject properties. It is submitted by the learned Government Pleader for Land Acquisition, on instructions, that award has not yet been passed in respect of the subject properties and it is open for the petitioners as well

as respondents 7 to 19 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 petitioners and learned Government Pleaders for Revenue and Land Acquisition for respondents 1 to 6, this Court is of the considered opinion that ends of justice would be served if the petitioners as well as respondents 7 to 19 are permitted to raise their claims before the Respondent authorities with regard to their right over the properties.

5. For the aforesaid reasons, the Writ Petition is disposed of, keeping it open to the petitioners as well as respondents 7 to 19 to raise their respective claims before the respondent authorities and it is open for the respondent authorities 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. SESA SAI, J

March 14, 2017

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