

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

WRIT PETITION No.45859 of 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“... to issue a writ, an order or direction more particularly one in the nature of writ of mandamus declaring 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 objections representation, dated 06.12.2016, in connection with the lands of the petitioners situated in Sy.No.95 of Sridharveliar Village, Kukunoor Mandal admeasuring an total extent of Acres 6.05 guntas at West Godavari District which are sought to be acquired for Polavaram project and thereby wanting to pay compensation to the unofficial respondent Nos.6 and 7 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, learned Government Pleader appearing for respondent Nos. 1 to 5 and learned counsel appearing for respondent Nos.6 and 7, apart from perusing the material available on record. .

3. In the present Writ Petition, the petitioners herein are disputing the right of respondent Nos.6 and 7 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 petitioners as well as respondent Nos.6 and 7 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, the learned Government Pleader for respondent Nos. 1 to 5 and the learned counsel for respondent Nos.6 and 7, this Court is of the considered opinion

that ends of justice would be served if the petitioners as well as respondent Nos.6 and 7 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 petitioners as well as respondent Nos.6 and 7 to raise their respective claims before the 5th respondent and it is open for the 5th respondent to consider the same and pass appropriate orders, in accordance with law. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date: 20.04.2017
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A.V.SESHA SAI, J