

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

WRIT PETITION No.10556 of 2017

ORDER:

This Writ Petition is filed for the following relief:

“For the reasons stated in the accompanying affidavit, the petitioners prayed that this Hon’ble Court may be pleased to issue a Writ, order, or direction more particularly in the nature of Writ of Mandamus declaring the inaction on the part of 3rd respondent on petitioners’ representation/objections submitted to the respondents on 22.12.2016, thereby requesting to conduct enquiry by issuing advance individual notices to the petitioners and incorporate the petitioners’ names as owners and possessors of lands admeasuring Acs.10.27 cents and Acs.10.55 cents respectively covered by Survey Nos.869 and 875 of Buttaigudem Revenue Village and Mandal of West Godavari District by removing the names of respondents 4 and 5 mentioned in declaration in Roc.No.E-135842/2016/R&R, dated 06.11.2016 issued by 2nd respondent under Section 19(1) of the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act, 2013 and Rules framed thereunder, as illegal, irregular, irrational, and amounts to non-discharge of legal obligation conferred on them under that statute and offends Articles 14, 21 and 300-A of the Constitution of India and consequently, direct the 3rd respondent to consider and decide the claim of petitioners before passing the award for granting compensation, rehabilitation and resettlement benefits for the said lands or refer the dispute to the competent authority for decision under Section 64 of the said statute by depositing compensation with competent authority under Section 77 thereof and without disbursing the compensation to respondents 4 and 5.”

Heard learned counsel for petitioners and learned Government Pleader for Land Acquisition appearing for respondent No.3 and perused the material available before the Court.

In the present Writ Petition, the petitioners are disputing the right of respondents 4 and 5 in receiving the compensation amount in respect of the subject properties.

It is submitted by the learned Government Pleader that award has not been passed in respect of the subject properties. It is open for the petitioners as well as the unofficial respondents to raise their claims before the authorities under the Act 30 of 2013.

Having regard to the submissions made by the learned counsel for the petitioners and learned Government Pleader for Land Acquisition appearing for respondent No.3, this Court is of the considered opinion that ends of justice would be served, if the petitioners as well as the unofficial respondents are permitted to raise their claims before the respondent authorities with regard to their right over the subject properties.

For the foresaid reasons, the Writ Petition is disposed of, keeping it open to the petitioners as well as the unofficial respondents to raise their respective claims before respondent No.3. It is open for respondent No.3 to consider the same and pass appropriate orders in accordance with law.

Consequently, Miscellaneous Petitions, if any pending in this Writ Petition, shall stand closed. No order as to costs.

A.V.SESHA SAI, J

24th MARCH, 2017.
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