

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

Writ Petition No.8263 of 2017

Date: 10.03.2017

Order:

This Writ Petition is filed for the following substantive relief:

“Issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, directing the respondents to refer 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 connection with the lands of the petitioners situated in Survey Nos. 94 admeasuring an extent of Ac. 2.05 guntas, situated at Kukunoor Village and Mandal of West Godavari District, which are sought to be acquired for Polavaram project, wanting to pay compensation to the un-officials respondents No. 6 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.”

Heard the learned Counsel for the petitioners and the learned Government Pleader for Land Acquisition (AP) appearing for respondent Nos.1 to 5. Perused the material available on record.

In the present Writ Petition, the petitioner is disputing the right of respondent No.6 to receive the compensation amount in respect of the subject property.

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

Having regard to 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 claims before the respondent authorities with regard to their right over the property.

For the aforesaid reasons, the Writ Petition is disposed of keeping it open to the petitioner as well as the unofficial respondent 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.

As a sequel, Miscellaneous Petitions, pending if any, stand disposed of as infructuous. No order as to costs.

(A.V.Sesha Sai, J)

Dt: 10th March, 2017
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