

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

W.P.No.3227 of 2017

ORDER:

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

“To issue a Writ, Order or Direction particularly a Writ of Mandamus declaring the action of 3rd respondent in not referring the matter to Authority as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 inspite of petitioner's objection dated : 15-11-2016 for the final Notification issued vide Rc. No. E-126307/2016 R&R, dated : -10-2016 published in Eenadu Daily News paper including the lands in which the petitioner has share i.e., lands in Survey Nos. (1) 175/AA to an extent of Ac. 2-30 Guntas, (2) 53 to an extent of Ac. 4-28 Guntas and (3) 63 to an extent of Ac. 2-13 Guntas situated at Upperu Village of Kukunoor Mandal, West Godavari District and trying to pay the compensation amount payable to said lands to respondent No. 4 herein alone is arbitrary, illegal and violative of Articles 14 and 300-A of the Constitution of India and consequently direct the 3rd respondent to refer the matter to the Authority under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 by duly depositing the entire compensation amount in respect of lands in question”.

2. Heard the learned counsel for the petitioner, the learned Government Pleader appearing for Respondents 1 to 3 and the learned counsel appearing for Respondent No.4, apart from perusing the material available on record.

3. In the present Writ Petition, the petitioner herein is disputing the right of respondent No.4 in receiving compensation amount in respect of the subject properties. It is submitted by the learned Government Pleader, on instructions, that award has not yet been passed in respect of the subject properties and it is open for the petitioner as well as respondent No.4 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 petitioner, the learned Government Pleader for Respondents 1 to 3 and the learned counsel for respondent No.4, this Court is of the considered opinion that ends of justice would be served if the petitioner as well as respondent No.4 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 petitioner as well as respondent No.4 to raise their respective claims before the 3rd respondent and it is open for the 3rd 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: 10.4.2017
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A.V.SESHA SAI, J

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10.4.2017

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