

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.18607 of 2017

ORDER :

This writ petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the 11(1) notification dated 10.12.2016, declaration under Sec 19(1) dated 03.04.2017 issued by the 2nd respondent for Acquisition of the Lands of the Respondents 4 to 45 in an extent of Ac 197.84 cents in Swarnavarigudem Village, Jeelugumilli Mandal, West Godavari District is illegal, arbitrary, contrary to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 & Rules, 2014 and contrary to the provisions of Panchayats (Extension to Scheduled Areas) Act, 1998, violative of Article 14, 21 & 300A of Constitution of India and set aside the same and to pass such other order or orders as this Hon’ble Court may deems fit just and proper in the circumstances of the case.”

Heard learned counsel for petitioners and learned Government Pleader for Land Acquisition for respondents 1 to 3, before ordering notice to unofficial respondents and perused the prayer in the writ petition with supporting affidavit and other material on record including the so called impugned notifications for the proposed acquisition.

Though the prayer in the writ petition is seeking to set aside the impugned acquisition proceedings, it is the submission that the petitioners are entitled to compensation and the Authorities concerned have to follow the due process of law.

Having regarding to the above, for any entitlement of compensation, the petitioners have to prove before the respondent-Authorities by filing an application within one week from the date of receipt of copy of this order and the respondent-Authorities shall consider the same and pass appropriate orders of any entitlement of compensation.

Accordingly, the Writ Petition is disposed of at the stage of admission. No costs.

Consequently, miscellaneous petitions, if any, pending shall stand closed.

Date:21.06.2017
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Dr. B. SIVA SANKARA RAO J,

