

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

WRIT PETITION No.43355 OF 2016

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 more particularly one in the nature of WRIT OF MANDAMUS challenging the impugned action of the respondents 2 and 3 in not referring the matter to the competent authority as per Sec. 64 & 76 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act 2003 in pursuance of the objection and claim statement filed by the petitioner dated 28-11-2016 in respect of the lands in Sy.No.577 to an extent of Ac.4.00 gts., situated at Kukunoor village and Mandal, West Godavary District, A.P. which was sought to be acquired for the purpose of POLAVARAM PROJECT in pursuance of the preliminary Notification vide R.C.No.E-126420/2016/R&R dated 23-06-2016 issued by the 2nd respondent under Sec.11(1) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act 2003 and Final Notification vide Roc. No.E1-26420/2016/R&R, dated 07-10-2016 issued under Sec.19(1) r/w. Rule 25 (1) of the Rules and proposing to pay the compensation to the respondents 4 to 6 as arbitrary, illegal void-ab-initio besides violative of Art.14 and 300-A of Constitution of India r/w. Sec.64 & 76 of The Right to Fair Compensation

and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act 2003 and further may be pleased to direct the respondents 2 & 3 herein to refer the matter to the competent authority under sec. 64 r/w 76 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2003 for apportionment of the compensation in respect of the subject lands by duly depositing the entire compensation amount with the competent authority.”

2. Heard the learned counsel for the petitioner, learned Government Pleader for Land Acquisition for respondents 1 to 3 and Sri M.Rajamalla Reddy, learned counsel for the 4th respondent, apart from perusing the material available on record.

3. In the present writ petition, petitioner is disputing the right of the respondents 4 to 6 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 petitioner as well as respondents 4 to 6 to raise their claims before the Authorities under Act 30 of 2013.

4. Having regard to the submissions made by the learned counsel for the petitioner, the learned Government Pleader for Respondents 1 to 3 and the learned counsel for 4th respondent, this Court is of the considered opinion that

ends of justice would be served, if the petitioner as well as respondents 4 to 6 are permitted to raise their claims before the respondent authorities with regard to their right over the properties.

5. For the aforesaid reasons, this writ petition is disposed of, keeping it open to the petitioner as well as the respondents 4 to 6 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.

6. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

28.02.2017
SS

A.V.SESHA SAI, J

