

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

W.P.No.932 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 more particularly one in the nature of Writ of Mandamus, declaring the action of the 3rd respondent in not referring the matter to civil court under Section 30 of the Old Act and Section 76 of the New Land Acquisition Act in spite of the petitioner oral requests including objection petition dated 31-12-2016 placed before 5th respondent, who is the in-charge of the 3rd respondent office, in connection with the petitioner's lands situated in Sy.No.100 to an extent of Ac .5-23 Guntas and lands in Sy.no.219 to an extent of Ac 4-12 Guntas of Kondapalli Village. Kukunooru Mandal, West Godavari District, and trying to pay the compensation amount in favour of the respondents no.6-10, though the petitioner's name is shown in the land acquisition notification vide R.O.C. No. E-126235/2016/R&R dt. 30-09-2016 published in "Praja Shakti Daily paper", in patta column and as well as possession column. Since the land is situated in the agency area, any transaction of the land is hit by Act 1/70 and without having Patta's under regulation 2/70 is illegal and void and opposed to Article 14, 19, 21 and 300-A of Constitution of India and consequently to direct the respondents 1 to 5 to refer the matter to the Civil Court by depositing the entire compensation amount in respect of the land in question and to pass such other order or orders in the interest of justice.”

2. Heard the learned counsel for the petitioner, the learned Government Pleader appearing for Respondents 1 to 5 and the learned counsel appearing for Respondents 6 to 10, apart from perusing the material available on record.

3. In the present Writ Petition, the petitioner herein is disputing the right of respondents 6 to 10 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

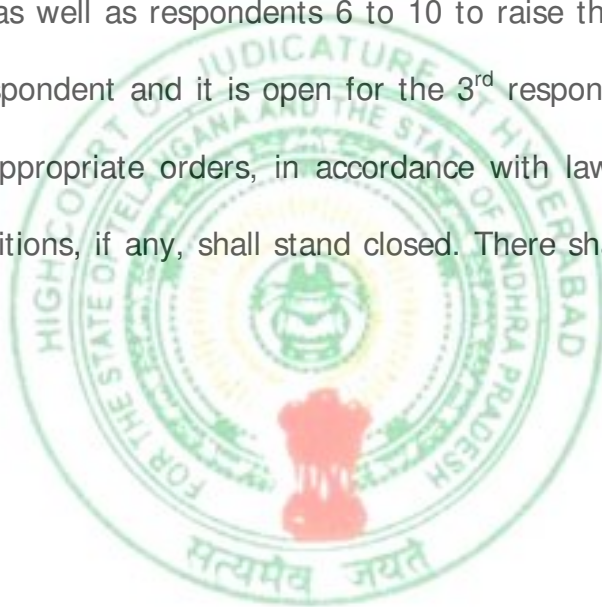
open for the petitioner as well as respondents 6 to 10 to raise their claims before the Authorities under Act 30 of 2013.

4. Having regard to the submission made by the learned counsel for the petitioner, the learned Government Pleader for Respondents 1 to 5 and the learned counsel for respondents 6 to 10, this Court is of the considered opinion that ends of justice would be served if the petitioner as well as respondents 6 to 10 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 respondents 6 to 10 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
DA

A.V.SESHA SAI, J



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10.4.2017

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