

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

W.P.No.45158 of 2016

O R D E R:

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

“Issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the impugned action of the Respondents 2 and 3 in not considering the legal notice got issued by the Petitioners dated 9.11.2016, being interested persons to certain extents of lands proposed for acquisition, questioning the publication made by them issued on 08-11-2016 in Tenadu' Telugu Daily News Paper R.O.P.No.135846/2016 R & R, dated 06- 11-2016 issued in Form No.7 , as also not accepting the Representations dated 13.12.2016 at the time of Award Enquiry at Buttaigudem village and proceeding to pay entire compensation to Respondents 4 to 6 without providing an opportunity of being heard to the Petitioners herein in all respects including their claim of 1/5th Share each totalling to 2/5th Share in the entire compensation in violation of the provisions of Right to Fair Compensation and Transparency & Land Acquisition, Rehabilitation and Resettlement Act 2013 without following due process of law as illegal, arbitrary and violative of principles of natural justice etc and consequently direct the Respondents 2 and 3 to consider the Legal notice dated 9.11.2016 and also accept the Representations dated 13.12.2016 and dispose of the same on merits after providing an opportunity of being heard.”

2. Heard the learned counsel for the petitioners, the learned Government Pleader appearing for Respondents 1 to 3 and the learned counsel appearing for respondents 4 to 6 apart from perusing the material available on record.

3. In the present Writ Petition, the petitioner herein is disputing the right of the respondents 4 to 6 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 petitioners as well as the respondents 4 to 6 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 petitioners, the learned Government Pleader for Respondents 1 to 3 and the learned counsel for respondents 4 to 6, this Court is of the considered opinion that ends of justice would be served if the petitioners as well as respondents 4 to 6 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 petitioners as well as 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. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date:13.04.2017
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A.V.SESHA SAI, J

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13.4.2017

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