

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

W.P.No.44407 of 2016

ORDER:

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

“To issue an order, direction or writ, more particularly one in the nature of Writ of Mandamus, directing the official respondents not to finalize Award proceedings in respect of lands in Sy.No. 3/AA and 3/EE to an extent of Ac.3.04 guntas and Ac.3.04 guntas respectively Situated at Damaracharla Village, of Kukkunooru Mandal, West Godavari District, acquiring for the purpose of Polavaram Irrigation Project by the official respondents herein and consequential direction to pay the compensation to the petitioner herein in respect of the property in Sy.No. 3/AA and 3/EE to an extent of Ac.3.04 guntas and Ac.3.04 guntas respectively Situated at Damaracharla Village, of Kukkunooru Mandal, West Godavari District”

2. Heard the learned counsel for the petitioner, 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 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 petitioner as well as respondents and 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 petitioner, 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 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 property.

5. For the aforesaid reasons, the Writ Petition is disposed of, keeping it open to the petitioner as well as respondents 4 to 6 to raise their respective claims before the 2nd respondent and it is open for the 2nd 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: 28.2.2017
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A.V.SESHA SAI, J



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