

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

WRIT PETITION No.37648 of 2016

ORDER:

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

“to issue an order or direction more in the nature of mandamus to declare the action of the 3rd respondent in not referring the matter to civil court under Section 76 of the New Land Acquisition Act inspite of the petitioner representation dated 23.07.2016 in connection with the petitioner lands situated in Sy No. 23/EE to an extent of Ac.3.00 gts situated at Ibrahimpeta Revenue Village of Kukunuru Mandal, West Godavari District showing the 5th respondent name as pattadar and enjoyer in the Land Acquisition Notification vide Rc.No.E-126330/2016/R&R dt. 23.06.2016 issued under Sec 11 (1) of the New Act including Roc no. E-126307/2016 R&R dt.30.09.2016 issued under Sec 19 (1) of New Act and published in Praja Shakti Daily Telugu News Paper dt.05.10.2016 and trying to pay the compensation amounts in favour of the 5th respondent in respect of the land in question without granting any patta under Regulation 2/70 since the land is situated in schedule area is illegal and avoid and opposed to Article, 14, 19, 21 and 300-A of Constitution of India and consequently to direct the respondents 1 to 4 to refer the matter to the civil court by depositing the entire compensation amount in respect of the land in question.”

2. Heard the learned counsel for the petitioner and learned Government Pleader for Land Acquisition for respondents 1 to 4, apart from perusing the material available on record.

3. In the present writ petition, petitioner is disputing the right of 5th respondent 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 5th respondent 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 and the learned Government Pleader for Respondents 1 to 4, this Court is of the considered opinion that ends of justice would be served if the petitioner as well as 5th respondent 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 5th respondent 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. There shall be no order as to costs.

A.V. SETHA SAI, J

March 14, 2017

PN

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



WRIT PETITION No.37648 of 2016

March 14, 2017

PN