

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

W.P.No.44299 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 declaring the Preliminary Notification in R.C. No. E-126348/2016/R & R dt. 22/06/2016 and declaration in ROC No. E-126307/2016/ R & R published on 03.10.2016 as issued by 2nd Respondent and further action of 4th respondent in not entertaining objections of Petitioners and not considering petitioners' claim for compensation under Sections 15, 21, 22 & 23 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for petitioners' landed property admeasuring Ac. 0.13 Guntas in Survey No. 47/RU, Ac. 1.18 Guntas in Survey No. 145 and Ac 1.24 Guntas in Survey No. 146, Ac. 2.34 Guntas in Survey No: 169 in all an extent of Ac. 6.09 Guntas situated in Kivvaka Village, Kukunur Mandal of West Godavari District, notified for acquisition for construction of Polavarm Irrigation Project recording the names of Respondents 5 to 9 as Pattadars and enjoyers, as illegal, irregular, arbitrary, violative of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and rules framed thereunder and offends articles 14, 21 and 300-A of Constitution of India and consequently direct the 4th respondent to pay the compensation and rehabilitation and Resettlement benefits for the afore said lands in favour of petitioners, without paying the same either to the Respondents 5 to 9 or any third parties.”

2. Heard the learned counsel for the petitioners, the learned Government Pleader appearing for Respondents 1 to 4 and the learned counsel appearing for the respondents 5 to 12 apart from perusing the material available on record.

3. In the present Writ Petition, the petitioners herein are disputing the right of the respondents 5 to 12 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 5 to 12 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 4 and the learned counsel for the respondents 5 to 12, this Court is of the considered opinion that ends of justice would be served if the petitioners as well as the respondents 5 to 12 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 the respondents 5 to 12 to raise their respective claims before the 4th respondent and it is open for the 4th 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.

A.V.SESHA SAI, J

Date:09.03.2017
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI



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Dated: 09.03.2017

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