

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.45522 OF 2016

ORDER:

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

“to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus to declare the inaction of the respondents 2 to 4 by paying an ex-gratio land acquisition compensation to the petitioners lands i.e. 1st petitioner land of Ac.1.57 cents in R.S.No.124/4 and 2nd petitioner land of Ac.1.46 cents in R.S.No.38/4, Ac.2.25 cents in R.S.No.50/1A, and Ac.2.47 cents in R.S.No.45/6C, and 3rd petitioner land of Ac.2.54 cents in R.S.No.38/5C, Ac.1.50 cents in R.S.No.38/5D and 4th petitioner land of Ac.2.57 cents in R.S.No.38/5D and Ac.1.50 cents in R.S.No.26 all are covered with cashew nut gardens all are situated at Kondamodalu Village, Devipatnam Mandal, East Godavari District including consider the representation/claim dt.19.1.2016 of the petitioners are illegal, arbitrary and violative of principles of natural justice as well as violative of the Land Acquisition Act, 30 of 2013 and consequently direct the respondents 3 and 4 to consider the representation/claim dt.19.1.2016 of the petitioners and to issue an ex-gratio compensation of Land Acquisition of their respective lands.”

2. Heard Sri K.J.V.N.Pundareekakshudu, learned counsel for the petitioners, and the learned Government Pleader for Land Acquisition (A.P.) appearing for the respondents apart from perusing the material available on record.

3. In the present writ petition, the petitioners herein are praying to consider their representation, dated 19.01.2016, for issuance of ex-gratia compensation for their respective lands. 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 to raise their claims before the Authorities under Act 30 of 2013.

4. Having regard to the submissions made by the learned counsel for the petitioners and the learned Government Pleader for the respondents, this Court is of the considered opinion that the ends of justice would be served if the petitioners are permitted to raise their claims before the respondent authorities with regard to their right over the subject properties.

5. For the aforesaid reasons, the Writ Petition is disposed of, keeping it open to the petitioners to raise their respective claims before the respondents and it is open for the respondents to consider the same and pass appropriate orders in accordance with law.

6. As a sequel, the miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE A.V.SESHA SAI

21.03.2017
AMD

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Date: 21.03.2017

AMD