

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

WRIT PETITION No.38804 OF 2016

ORDER:

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

“to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in not referring the matter to civil Court under Section 30 of the Old Act and Section 76 of the New Land Acquisition Act inspite of the petitioners representation dated 26.09.2016 in connection with the petitioners lands situated in Sy.No.24 to an extent of Ac.6.29 cents situated at Amaravaram Village of Kukunuru Mandal, West Godavari District inspite of the ROR appeal pending before the 4th respondent without showing the petitioner name in the Land Acquisition Notification dt.30.09.2016 and trying to pay the compensation amounts in favour of the respondents 6 to 8 in respect of the land in question is illegal and avoid and opposed to Articles 14, 19, 21 and 300-A of Constitution of India and consequently to direct the respondents 1 to 5 to refer the matter to the civil court by depositing the entire compensation amount in respect of the land in question.”

2. Heard Sri Pitta Srinivasa Reddy, learned counsel appearing for the petitioners, learned Government Pleader for Land Acquisition (A.P.) appearing for respondent Nos.1 to 5 and Sri K.Sarath, learned counsel appearing for respondent Nos.6 to 8 apart from perusing the material available on record.

3. In the present writ petition, the petitioners are disputing the right of respondent Nos.6 to 8 in receiving the compensation amount in respect of the subject properties. It is submitted by the learned Government Pleader, on instructions, that the Award has

not been passed so far in respect of the subject properties and it is open for the petitioners as well as the unofficial respondents herein to raise their respective claims before the authorities under Section 30 of the Land Acquisition Act, 1894 and Section 76 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4. Having regard to the submissions made by the learned counsel for the petitioners, learned Government Pleader and the learned counsel for the unofficial respondents, this Court is of the considered opinion that the ends of justice would be served if the petitioners as well as the unofficial respondents herein 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 as well as the unofficial respondents herein to raise their respective claims before respondent No.3 and it is open to respondent No.3 to consider the same and take appropriate action in accordance with law. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date: 14.2.2017
AMD

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