

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

WRIT PETITION No.43295 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 challenging the impugned action of the respondents 2 and 3 in not referring the matter to the competent authority as per Sec.64 & 76 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act 2003 in pursuance of the objection and claim statement filed by the petitioners dated 28-11-2016 in respect of the lands in Sy.Nos.315/1 to an extent of Ac.2.02 gts., 315/2 to an extent of Ac.1.02 gts., 419/A to an extent of Ac.5.03 gts., 425 to an extent of Ac.1.31 gts., 426 to an extent of Ac.9.26 gts., 457 to an extent of Ac.3.30 gts., totally admeasuring Ac.23.14 Gts., situated at Kukunoor village and Mandal, West Godavary District, A.P. which was sought to be acquired for the purpose of POLAVARAM PROJECT in pursuance of the preliminary Notification vide R.C.No.E-126420/2016/R&R dated 23-06-2016 issued by the 2nd respondent under Sec.11 (1) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act 2003 and Final Notification vide Roc.No.E1-26420/2016/R&R, dated 07-10-2016 issued under Sec.19(1) r/w. Rule 25 (1) of the Rules and

proposing to pay the compensation to the respondents 4 to 14 as arbitrary, illegal void abinitio besides violative of Art. 14 and 300-A of Constitution of India r/w. Sec. 64 & 76 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act 2003 and further may be pleased to direct the respondents 2 & 3 herein to refer the matter to the competent authority under sec. 64 r/w 76 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act 2003 for apportionment of the compensation in respect of the subject lands by duly depositing the entire compensation amount with the competent authority.”

2. Heard the learned counsel for the petitioners, learned Government Pleader for Land Acquisition for respondents 1 to 3, apart from perusing the material available on record.

3. When the matter is called, it is submitted by the learned counsel for the unofficial respondents that W.P.M.P.No.8175 of 2017 is filed seeking permission of this Court to withdraw the writ petition in respect of the unofficial respondents 4, 5, 6, 8, 9 and 14 and the said petition is ordered accordingly.

3. As a consequence thereof, petitioners are now disputing the right of the respondents 7 and 10 to 13 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 respondents 7 and 10 to 13 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, the learned Government Pleader for Respondents 1 to 3, this Court is of the considered opinion that ends of justice would be served, if the petitioners as well as respondents 7 and 10 to 13 are permitted to raise their claims before the respondent authorities with regard to their right over the properties.

5. For the aforesaid reasons, this writ petition is disposed of, keeping it open to the petitioners as well as the respondents 7 and 10 to 13 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. No order as to costs.

28.02.2017
SS

A.V.SESHA SAI, J