

HON' BLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION No.25539 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* 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, in spite of the petitioner representation dated 28.06.2016 in connection with the petitioner lands situated in Sy.Nos.17, 27, 43, 64, 80/vari, 86, 89, 172, 179, 180, 183, 189, 1/a and 1/aa to an extent of Acs.0.33, 3.00, 4.16, 0.33, 0.24, 0.06, 3.24, 2.12, 1.31, 3.10, 1.18, 1.18, 0.14, 0.08, 1.05 and 1.05, total extent of Ac.22.55 cents situated at Damarcharla Village of Kukunuru Mandal, West Godavari District, in spite of the ROR appeal pending before the 4th respondent without showing the petitioner name in the Land Acquisition Notification vide Rc.No.E-126196/ 2016 R&R, dt. 21.06.2016 published in Andhra Prabha Daily Telugu News Paper dt. 24.06.2016 and trying to pay the compensation amounts in favour of respondents 6 to 10 in respect of the land in question, as illegal 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 Sri Mummaneni Srinivasa Rao, learned counsel for the petitioner, learned Government Pleader for Land Acquisition for respondents 1 to 5 and Sri Kowturi Pawan Kumar, learned counsel for Respondents 6 to 10, apart from perusing the material available on record.

3. In the present writ petition, petitioner is disputing the right of the respondents 6 to 10 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 petitioner as well as the respondents 6 to 10 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, the learned Government Pleader for Respondents 1 to 5 and the learned counsel for the respondents 6 to 10, this Court is of the considered opinion that ends of justice would be served if the petitioner as well as the respondents 6 to 10 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 the respondents 6 to 10 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. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

A. V. SESA SAI, J

Date: 16.03.2017
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