

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.40276 OF 2017

O R D E R :

This writ petition is filed for the following relief:

“....to issue any Writ, order or direction more especially one in the nature of writ of *Mandamus* declaring the action of the respondents 2 & 3 in not considering the objections of the petitioner dated 18.09.2017 & 14.09.2017 in passing the award vide proceedings No.G/494/2016, dated 17.11.2017 and paying the compensation for the land in Sy.No.45/1 to an extent of Ac.4.04 Gts out of Ac.6.08 Gts, situated at Ranapur Village, Nirmal Mandal and District pursuant to the Land Acquisition Gazette Notification No.3, Dated 19.07.2017 and trying to disburse the compensation to the 4th respondent or to any other person without hearing and conducting enquiry as illegal, arbitrary, unconstitutional and contrary to the Provisions of Act 30 of 2013 and consequently direct the Respondents not to disburse the compensation to the 4th respondent or to any other person concerning the above said Land as per Award mentioned above without considering the objections of the petitioner, dated 18.09.2017 & 14.09.2017 and pass such other order or orders may deem fit and proper in the circumstances of the case.”

Learned Assistant Government Pleader for Revenue produced written instructions stating that basing on the registered gift deed executed by the erstwhile owner of the

property, compensation was paid to the 4th respondent. It is also stated that already compensation was paid to the 4th respondent basing on the registered gift deed executed by her father in respect of the subject land.

Learned counsel for the petitioner states that the father of the petitioner also executed agreement of sale in favour of the petitioner.

It is to be seen that the document relied on by the petitioner is an unregistered sale deed whereas the basing on the registered gift deed the respondents granted compensation to the 4th respondent. It appears that there are disputes between petitioner and the 4th respondent and the said disputed questions of fact cannot be decided in the writ petition.

In view of the above, it is open for the petitioner to avail common law remedy if any against the 4th respondent.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending shall stand closed.

A.RAJASHEKER REDDY, J

12.12.2017
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