

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23454 of 2007

ORDER :

This writ petition is filed seeking a writ of mandamus declaring the inaction of the respondents 1 and 2 in referring the award under Section 30 and 31 of the Land Acquisition Act as there is dispute about apportionment of the compensation between the petitioner and respondents 3 to 5 regarding sharing of the compensation in respect of the lands acquired under the Land Acquisition Act, situated in Gorapudi Village, Unit-I, Block No.3 in various survey numbers as arbitrary and illegal and violative of the provisions of the Land Acquisition Act.

2. Heard Sri P.Rajasekhar, learned counsel for the petitioner, Government Pleader for Land Acquisition, Sri Mruthyunjaya Sastry, learned counsel for respondent No.4 and Sri Dasari Prasad, learned counsel appearing for respondent No.5.

3. It has been contended by the petitioner that she is one of the shareholders of the joint family properties and her grievance is that she was not heard at the time of disbursement of the compensation in her favour even though the official respondents have acquired the land. It is further brought to the notice of this Court that except the land in Sy.No.89/4 of Z.Chintuva village to an extent of Ac.1.48 cents, no award has been passed in respect of the acquired lands in various survey numbers, since the acquisition proceedings are at the enquiry stage itself. If that be the case, the objections of the petitioner should also be heard and appropriate orders be passed after considering the objections raised by the petitioner. In respect

of the land in Sy.No.89/4 of Z.Chintuva village is concerned, award was passed during the pendency of this writ petition in favour of one of brothers of the petitioner and challenging the same, she has filed W.P.No.15055 of 2013.

This Court having considered the rival submissions made by the parties, is of the view that since the proceedings under the Land Acquisition Act in respect of land in various survey numbers, except the land in Sy.No.89/4, are at the stage of enquiry and since the petitioner is also claiming as one of the shareholders of the joint family properties, her objections, if any, should also be heard and the respondents 1 and 2 should pass appropriate orders after taking into consideration the objections raised by the petitioner in accordance with law.

With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

02 April, 2018
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