

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V.BHATT**

WRIT APPEAL No.1229 OF 2016

JUDGMENT : *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Respondent No.6 in W.P.No.32662 of 2016 is the appellant herein.

2. Heard Mr.D.Rama Krishna for appellant and the learned Government Pleader (Land Acquisition) for respondent Nos.3 and 4. No representation for respondent No.1.

3. Respondent No.1 filed writ petition for Mandamus directing respondent Nos. 2 to 6 herein not to award compensation to respondent Nos.7 to 10 for respondent No.1's land in Sy.No.154/ Kha measuring Ac.1-00 and shed, out of total extent of Acs.1-21 Gts, situated at Garlapad Village, Dharoor Mandal, Mahabubnagar District, Telangana State.

4. The case of respondent No.1 is that compensation is paid by respondent Nos.2 to 6 for the acquisition of the subject matter of the writ petition and his further case is that he, in exclusion to respondent Nos.2 to 6, is entitled to receive the compensation, but not respondent Nos.7 to 10 herein.

5. Through the order impugned in the writ appeal, the following directions were issued:

“Keeping in view the averments made in the writ affidavit and having regard to the fact that the objection petition filed by the petitioner on 29.08.2016 is pending adjudication before the 3rd respondent, this Court is inclined to dispose of the writ petition by directing the official respondents not to award any compensation in favour of respondent Nos.6 to 10 while passing Award in respect of the petitioner’s land in Sy.No.154/Kha admeasuring Ac.1-00 Guntas and shed out of total extent of Ac.1-21 Guntas situated in Garlapad Village, Dharoor Mandal, Mahabubnagar District, Telangana State”.

6. Mr. Rama Krishna, appearing for appellants, contends that the writ petition ought not to have been disposed of without notice not only to the appellant herein but also respondent Nos.7 to 10. The directions now issued in the writ petition substantially prevent the authorities even from considering the claims of rival claimants and thereby the substantive rights are adversely affected.

7. We have perused the order. *Prima facie*, we are of the view that having regard to the nature of writ prayer and also that there are claims and rival claims and rival claimants claiming compensation for the subject matter of the writ petition, before passing an order, notices ought to have been issued to unofficial respondents in the writ petition as well. The writ petition since was disposed of without notice to parties, who are affected by the order under appeal, on the said short ground alone, the order under appeal is set aside and the writ petition is restored to file and remanded to learned single Judge for disposal.

8. Writ appeal is, accordingly, ordered. No order as to costs.

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

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

24th October, 2018

Prv/Lrkm

