

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.3042 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in not referring the matter to Authority as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 inspite of Petitioners objection made on 21-9-2016 covered under Final Notification issued vide Rc.No.E-12005/2016 R&R, dated 22-9-2016 published in Andhra Jyothy Daily News paper in respect of lands situated in Survey Number 50 admeasuring Ac.3-07 gts situated in Ganapavaram Village of Kukunuru Mandal of West Godavari District and trying to pay the compensation amounts of land in question in favour of respondents No.4 to 9 herein is arbitrary, illegal and violative of Articles 14 and 300-A of Constitution of India and Contrary to the Rule 3 of A.P. Schedule Area Land Transfer Regulation Act, (Act 1/1959) and its amendment Act 1/1970 and consequentially to direct the 3rd respondent to refer the matter to the Authority by duly depositing the entire compensation amount in respect of land in question and to pass such other order or orders as this Hon’ble Court may deems fit just and proper in the circumstances of the case.”

2. I have heard the submissions of Sri *K.Sarath*, learned counsel appearing for the petitioner, of the learned Government Pleader for Land Acquisition (A.P.) appearing for the respondents 1 to 3; and of Sri *M.Srinivasa Rao*, learned counsel appearing for the unofficial respondents 4 to 9. I have perused the material record.

3. When the matter is taken up for hearing, it is fairly stated by the learned counsel appearing for the petitioner that the issue involved in the present writ petition is squarely covered by the orders of this Court, dated 09.03.2017, in W.P.No.2254 of 2017. A copy of

the order of this Court in the afore-stated writ petition is placed on record. Learned Government Pleader appearing for the respondents 1 to 3 endorses the said submissions.

4. In view of the submissions and the earlier orders of this Court and for the reasons alike as were mentioned in the earlier orders of this Court in the afore-stated writ petition, this Writ Petition is also disposed of, keeping it open to the petitioner as well as the respondents 4 to 9 to raise their respective claims before the 3rd respondent and directing the 3rd respondent to consider the rival claims and pass appropriate orders, in strict accordance with procedure established by law.

Office is directed to enclose a copy of the order, dated 09.03.2017, passed in W.P.No.2254 of 2017 to this order.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 16th July, 2018

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