

Court No. - 21

Case :- WRIT - C No. - 11281 of 2023

Petitioner :- Shahid And 15 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Dinesh Shankar Shukla, Akash Gupta, Mahabir Yadav, Rajesh Kumar Nishad, Shyam Singh

Counsel for Respondent :- C.S.C.

Hon'ble Manoj Kumar Gupta, J.

Hon'ble Donadi Ramesh, J.

Ref: C.M. Impleadment Application No.2 of 2023

1. The applicants want their impleadment as co-petitioners. The application has been filed through some other counsel who is not representing the petitioners herein.
2. The application is rejected with liberty to the applicants to file their independent petitions, if so advised.

Order on the Petition

1. On 8.08.2023, the following order was passed:-

"1. Supplementary affidavit filed today in compliance of our previous order is taken on record.

2. The case of the petitioners is that there is an order passed on 7.5.2022 by Special Land Acquisition Officer, Bulandshahar in their favour under Section 28-A of the Land Acquisition Act, 1894. Thereunder, they/their ancestors, were held entitled to enhanced compensation in terms of decision in other case dated 7.12.2011. The Special Land Acquisition Officer also sent a communication to respondent no. 4 to pay the amount to the claimants, failing which he will be responsible for non-compliance. However, payment has not been made to the petitioners so far.

3. Having regard to the submissions made, we direct respondent no. 4 to file his personal affidavit and explain why payment has not been made so far. He will also make all efforts to ensure that payment is made by the next date.

4. List as fresh on 22.8.2023.

5. Sri Rajiv Gupta, learned Additional Chief Standing Counsel, shall communicate the instant order to respondent no. 4 for proper compliance."

2. In compliance of the said order, several affidavits have been filed by the State respondents from time to time. In the affidavit filed today on behalf of respondent no.4, it is stated that the State has sanctioned the entire amount payable to the land owners in terms of the award in their favour under Section 28-A of the Land Acquisition Act, 1894. Thereafter the amount was deposited with the Special Land Acquisition Officer, Joint Organization, Bulandshahar vide challan dated 17.10.2023. The Special Land Acquisition Officer would now disburse the amount to the land owners including the petitioners herein in accordance with the award in their favour.

3. Having regard to the aforesaid stand of the State respondents, we dispose of the instant petition with liberty to the petitioners to approach the Special Land Acquisition Officer for withdrawal of the amount in terms of the award in their favour.

(Donadi Ramesh, J.) (Manoj Kumar Gupta, J.)

Order Date :- 19.10.2023

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