

Court No. - 21

Case :- WRIT - C No. - 12939 of 2023

Petitioner :- Ram Siromani And 2 Others

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Shiv Kant Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. The instant petition has been filed praying for a writ of mandamus commanding the respondents to pay compensation to the petitioners in terms of the orders dated 17.12.2016 / 18.12.2016 passed by the District Magistrate, Bhadohi, in respect of Khasra No.195 area 239.746 square meters (2580.60 square feet) of the revenue Village - Ugapur, Tehsil Aurai, Pargana and District Bhadohi.

2. On 29.08.2023, the following order was passed by this Court:-

"1. It is not disputed that land of the petitioners was taken over by the respondents without any formal acquisition for widening of the road. District Magistrate has already determined compensation by order dated 18/12/2016 but it has not been paid to the petitioners so far.

2. The District Magistrate, Bhadohi has filed his personal affidavit and in paragraphs 15, 16 and 17 of his affidavit, he has taken a stand that the compensation could not be paid as necessary fund has not been released by the State Government. He has also stated that as soon as the funds are received from the State Government, compensation will be paid to the petitioners.

3. Having regard to the aforesaid stand of the District Magistrate, Bhadohi, we require the Principal Secretary of the concerned department (PWD) to file his personal affidavit and apprise the Court of the time frame within which fund will be made available to the District Magistrate for payment of compensation to the tenure holders in terms of the order of the District Magistrate.

4. List on 26/9/2023."

3. In compliance of the said order, Principal Secretary, Government of U.P., Lucknow has filed his affidavit dated 23.09.2023 and in paragraph no.11, it is stated that procedure for payment of compensation to the petitioners is underway

and would be completed within two months.

4. Supplementary affidavit has been filed by the petitioners and along with which they have brought on record communication dated 07.10.2023 by Executive Engineer, P.W.D., Bhadohi addressed to S.D.M. Aurai, Bhadohi, mentioning that final approval has been granted and that compensation amount is to be paid to the petitioners in accordance with Government Order dated 04.10.2023. He was required to ascertain the shares of the claimants and make payment to them so that appropriate affidavit is filed in the instant matter.

5. Learned counsel for the petitioners states that despite money having been released by the State Government, the compensation amount has not been paid to the petitioners so far. He states that the petitioners have already completed all the formalities.

6. Sri Rajiv Gupta, learned Additional Chief Standing Counsel assures the Court that payment would be released expeditiously.

7. Accordingly, we **dispose of** the instant petition with the direction to the respondents to ensure that compensation amount is released in favour of the rightful claimants within a period of three weeks from the date of communication of the instant order.

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

Order Date :- 6.12.2023

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