

Court No. - 40

Case :- WRIT - C No. - 13513 of 2023

Petitioner :- Yogendra Rai And 2 Others

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Arvind Kumar Rai, Vimal Kumar Rai

Counsel for Respondent :- C.S.C., Rameshwar Prasad Shukla

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Surendra Singh-I, J.

1. Heard learned counsel for the petitioners and Sri Ambrish Shukla, learned Additional Chief Standing Counsel for the State-respondents.

2. The matter relates to compensation for the acquired land being Gata No.231 (m) admeasuring 0.560 acres situated at Village Sahroj, Pargana Ghoshi, Tehsil Sadar, Distt. Mau. The matter was heard at length and vide order dated 22.11.2023, this Court has passed a detailed order. The same is reproduced herein below :-

"1. Present matter relates to compensation for the acquired land being Gata No.231 (m) admeasuring 0.560 acres situated at Village Sahroj, Pargana Ghoshi, Tehsil Sadar, Distt. Mau. On the matter being taken up on 11.5.2023, the Court has proceeded to pass the following order:-

"Heard learned counsel for the parties.

Learned Standing Counsel, on instructions, submits that the matter of the petitioner pertaining to compensation for the acquired land being Gata No. 231(m), admeasuring 0.560 acres situated at village-Sahroj, Pargana-Ghoshi, Tehsil-Sadar, District-Mau, is spending before the first respondent-Principal Secretary, Irrigation Department, Civil Secretariat, U.P. at Lucknow.

Put up this case on 10 July 2023, as fresh.

In the meantime, it is expected that first respondent shall consider and ensure payment of the compensation admissible to the petitioner."

2. Thereafter, the matter as taken up on 10.7.2023 and on the said date learned Addl. Chief Standing Counsel has stated that as the matter is seized before the authority concerned, some further time may be accorded. Thereafter, the matter was taken up on 20.7.2023 and the Court has directed that in case the instruction is not placed on the next date, the Collector, Mau shall remain present personally before this Court. In response thereof, even though the instructions was produced before the Court on 2.8.2023 but learned Standing Counsel has again prayed for some time to seek further instructions. Thereafter, the matter was taken up on 6.9.2023 and the Court has proceeded to pass the following order:-

"In response to the order dated 2.8.2023, Shri Ambrish Shukla, learned Addl. Chief Standing Counsel has placed detailed instructions sent by the Chief Engineer of the department concerned intimating therein that amount in question qua compensation is already quantified and requisite information is already sent to the State Government for financial approval. He submits that some reasonable time may be accorded so that decision may be placed on record on the next date fixed in the matter.

Put up this matter as fresh on 16.10.2023. The instruction is taken on record and a copy of which has also been supplied to learned counsel for the petitioner."

3. Considering the facts and circumstances of the case, we find that inspite of according repeated indulgence to the respondents, till date the grievance of the petitioners has not been redressed inspite of the fact that the amount has already been quantified and only on account of financial approval the matter is being repeatedly adjourned.

4. Let the Principal Secretary of the department concerned file his personal affidavit indicating therein whether he has received information about the aforesaid facts and in case he has received the information, what remedial measures have been taken for actual payment.

5. On the request of Shri Sharad Chandra Upadhyay, learned Standing Counsel, put up this matter as fresh on 7.12.2023."

3. In response thereof, the Principal Secretary of the Irrigation Department, Civil Secretariat U.P. at Lucknow has filed an affidavit indicating therein that the financial approval has already been accorded by the State Government on 18.10.2023 and adequate information is already sent. The Chief Engineer and Head of Department, Water Resources Department, U.P. Lucknow has also issued financial concurrence and subsequently amount of Rs. 24,20,775/-has been allocated to the Executive Engineer, Irrigation Department of Mau on 05.12.2023.

4. Sri Ambrish Shukla, learned Additional Chief Standing Counsel states that once the financial approval is accorded by the State Government, the actual payment would also be ensured within reasonable time.

5. Considering the facts and circumstances of the case, once the financial approval is already accorded by the State Government, vide order dated 18.10.2023, we are not inclined to keep the matter pending consideration. We dispose of this writ petition asking the respondent authorities to ensure the actual release of the amount within three weeks.

Order Date :- 7.12.2023

Pratima