

Court No. - 21

Case :- WRIT - C No. - 15611 of 2021

Petitioner :- Sarni

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

Counsel for Petitioner :- Raj Narayan Tiwari

Counsel for Respondent :- C.S.C.,R. Singh

Hon'ble Manoj Kumar Gupta,Acting Chief Justice

Hon'ble Donadi Ramesh,J.

1. The instant petition has been filed praying for a direction to respondents no.2 to 5 to make payment of compensation to the petitioner for taking over of possession of his land situated in the village Shahdara, Pargana Dadari District Gautam Budh Nagar for construction of 'Hindan Dam' and to consider representations dated 8.1.2021 and 7.1.2021.

2. Counsel for the petitioner points out that earlier the petitioner had filed Writ-C No.58102 of 2016 for the same relief. It was disposed of by order dated 08.12.2016 with direction to the Collector to decide the claim of the petitioner in terms of Government order dated 12.05.2016. Thereafter, the District Magistrate, Gautam Budh Nagar passed an order on 28.02.2017 referring the matter to Settlement Officer, Consolidation for examining the claim of the petitioner for mutation of his name in the revenue record.

3. Learned counsel for the petitioner has invited our attention towards Khatauni of 1423 - 1428 Fasli, wherein the name of the petitioner came to be recorded in pursuance of order of Settlement Officer, Consolidation dated 05.06.2017 passed in exercise of power under Section 11(1) of U.P. Consolidation of Holdings Act, 1953.

4. He submits that even after mutation of the name of the petitioner in revenue record, compensation amount is not being

paid to the petitioner.

5. Shri Rajiv Gupta, learned Additional Chief Standing Counsel appearing for State respondents tried to contend that the possession was taken over long back and therefore, the petitioner would not be entitled to claim compensation. However, he does not dispute that the possession of the land of petitioner was taken over by the respondents without any formal acquisition or payment of compensation.

6. Hon'ble Supreme Court in ***Vidya Devi vs. State of Himachal Pradesh & Ors. (2020) 1 SCC 799*** and ***Sukh Dutt Ratra & Anr vs. State of Himachal Pradesh & Ors. (2022) 7 SCC 508*** has held that the delay alone cannot be made ground to deny the claim of compensation in such cases.

7. Accordingly, we dispose of the instant petition with direction to the District Level Committee constituted under Government order dated 12.05.2016 to examine the claim of the petitioner in the light of the entries made in the revenue records in pursuance of order of Settlement Officer, Consolidation dated 05.06.2017 within a period of twelve weeks from the date of production of true/attested copies of the instant order along with a fresh representation.

(Donadi Ramesh, J.)

(Manoj Kumar Gupta, J.)

Order Date :- 22.11.2023

VS