

Court No. - 51

Case :- WRIT - C No. - 21958 of 2023

Petitioner :- Sahab Singh

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Raghvendra Kumar Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Chandra Kumar Rai,J.

1. Heard Mr. Raghvendra Kumar Mishra, learned counsel for the petitioner and Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents.

2. The instant petitioner has been filed for mandamus directing the authorities to decide the application / representation dated 30.5.2023 filed by the petitioner as well as for mandamus directing the authorities to demarcate the petitioner's chak nos.50 & 53 in accordance with law.

3. This Court on 4.10.2023 has directed the learned Standing Counsel to obtain instruction in the matter.

4. In compliance of the order of this Court dated 4.10.2023, instruction dated 30.10.2023 is placed before the Court by learned Additional Chief Standing Counsel for the State-respondents, which is taken on record.

5. Learned Additional Chief Standing Counsel for the State-respondents on the basis of instruction dated 30.10.2023 submitted that the petitioner's land has been acquired under the National Highways Act, 1956 and award has been made in favour of the petitioner as well as petitioner's brother, which has been also received by the petitioner and his brother. He placed the copy of the award made by the authority under the National Highways Act, 1956. He next submitted that in view of the acquisition made under the National Highways Act, 1956 in respect to the plot in question, petitioner is not entitled to any relief in the matter.

6. Learned counsel for the petitioner submitted that the petitioner has been deprived from his source of irrigation situated in the plot in question. He further submitted that the petitioner filed an application dated 8.6.2023 before the authorities stating their grievance. He next submitted

that the appropriate direction be issued to the authorities to decide the petitioner's application.

7. I have considered the argument advanced by learned counsel for the parties and perused the record.

8. There is no dispute about the fact that Khasra Nos.50 & 53 has been acquired under the National Highways Act, 1956 and the award has been also published. There is also no dispute about the fact that compensation has been received by the petitioner in pursuance of the award in respect to the plot in question.

9. In view of the acquisition of the petitioner of Khasra Nos.50 & 53 by the authorities under the National Highways Act, 1956 and payment of compensation to the petitioner, no interference can be made by this Court under Article 226 of the Constitution of India to decide the application dated 8.6.2023 in respect to Khasra Nos.50 & 53.

10. The writ petition is ***dismissed***.

Order Date :- 30.10.2023

Rameez