

Court No. - 21

Case :- WRIT - C No. - 26018 of 2018

Petitioner :- Awadh Narayan Singh

Respondent :- State Of U P And 2 Others

Counsel for Petitioner :- Suresh Chandra Gupta

Counsel for Respondent :- C.S.C.

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Donadi Ramesh,J.

1. Heard Sri Suresh Chandra Gupta, learned counsel for the petitioner and Sri Rajiv Gupta, learned Additional Chief Standing Counsel for the State-respondents.

2. The instant petition has been filed praying for a writ of mandamus directing the respondents to pay compensation to the petitioner for having taken over possession of certain part of his land during process of widening of Allahabad-Gorakhpur road.

3. On 31.8.2021, following order was passed:

"It is not disputed that petitioner's land was utilized in construction of a public highway without payment of any compensation so far.

The respondents have determined a sum of Rs.2,70,145/- as compensation. It is clear from the stand taken by the respondents that compensation has not been paid to the petitioner as financial approval has not been granted by the State. On 03rd July, 2019 this Court directed the respondents to ensure that compensation amount is released in favour of the petitioner without delay. On 16.10.2019, three weeks further time was granted to learned Standing Counsel to complete his instructions as regards payment of compensation. Again on 13.11.2019 taking note of the fact that compensation had not been paid by that time, two months further time was granted. It was clarified that if by next date, compensation is not paid, the petitioner shall be entitled to interest.

On matter being taken up today, learned Standing Counsel Sri Mohan Srivastava again seeks time to complete his instructions.

Learned counsel for the petitioner states that compensation money has not been paid so far.

Let Principal Secretary (Finance) file his personal affidavit disclosing reasons why the amount has not been sanctioned and the time frame within which compensation amount along with interest shall be paid to the petitioner. The affidavit shall positively be filed by the next date.

List on 20.09.2021.

The instant order shall be communicated to the Principal Secretary (Finance) for due compliance by Sri Mohan Srivastava, learned Standing Counsel within 48 hours."

4. In compliance of the above order, the Additional Chief Secretary (Finance), Govt. of U.P., Lucknow has filed her personal affidavit and in paragraph 5 thereof, it is stated that a sum of Rs. 2,90,000/- has been released as compensation vide sanction order dated 12.06.2020; a copy of the said order has been annexed along with the affidavit.

5. Learned counsel for the petitioner states that the petitioner has not received the aforesaid amount till date.

6. Sri Rajiv Gupta, learned Additional Chief Standing Counsel submits that the petitioner did not turn up to withdraw the amount and therefore, it was transferred to the Land Acquisition, Rehabilitation and Resettlement Authority, Prayagraj on 20.10.2022. He submits that the State has no objection in case the petitioner applies for withdrawal of the amount by moving appropriate application before the authority.

7. Accordingly, the petition is **disposed of** with liberty to the petitioner to approach the authority for withdrawal of the amount. The authority after verifying the entitlement of the petitioner, will release the amount, in accordance with law.

(Donadi Ramesh, J.)

(Manoj Kumar Gupta, J.)

Order Date :- 16.11.2023

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