

Court No. - 21

Case :- WRIT - C No. - 26081 of 2021

Petitioner :- Nand Kishor And Another

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

Counsel for Petitioner :- Prashant Sharma

Counsel for Respondent :- C.S.C.

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. Heard Sri Prashant Sharma, learned counsel for the petitioners and Sri Rajiv Gupta, learned Additional Chief Standing Counsel for the State-respondents.

2. The petitioners have prayed for a direction to respondent no.2 to restore possession of the land which has been taken over by the respondent for construction of a hostel in Rajkiya Medical College, Auraiya.

3. Counsel for the petitioners points out that in respect of similarly situated persons, having same grievance, this Court in Writ-C No. 12244 of 2022 (Gulab Singh and others vs. State of U.P. and others) has directed for demarcation of the land of the petitioners therein to be carried out and if it is found that possession of any land of the petitioners had been taken then due process shall be followed for payment of compensation. He urges that similar direction may be issued in the instant case.

4. Sri Rajiv Gupta, learned Additional Chief Standing Counsel appearing for the State submits that the claim of the petitioners has to be referred to the District Level Committee to be decided in terms of Government Order dated 12.5.2016.

5. Learned counsel for the petitioners has no objection to the same.

6. Accordingly, without expressing any opinion on merits, the petition is **disposed of** with liberty to the petitioner to file a detailed representation along with documentary evidence and true copy of the instant order before respondent no.2 within two weeks from today. He will transmit the representation to the Chairman of the District Level Committee for decision in terms of Government Order dated 12.5.2016 within next 12 weeks. The District Level

Committee will get a fresh survey conducted in presence of the petitioners and will pass order after providing opportunity of hearing to the petitioners.

(Donadi Ramesh, J) (Manoj Kumar Gupta, ACJ)

Order Date :- 30.11.2023

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