

Court No. - 40

Case :- WRIT - C No. - 26046 of 2023

Petitioner :- Amarjeet Singh

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

Counsel for Petitioner :- Kuldeep Singh Chahar, Pramod Kumar Yadav

Counsel for Respondent :- C.S.C., Ankur Agarwal, Kaushalendra Nath Singh

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. The instant petition has been filed praying for a writ of mandamus directing the respondent Authorities to pay compensation to the petitioner for having taken possession of 1 Bigha 10 Biswa (0.3790 Hectare) without any formal acquisition. The petitioner has also prayed for a mandamus directing the respondents to comply with the G.O. dated 21.3.2016, or in the alternative allot a land of equal size.
2. Learned counsel for the petitioner, submits that the Noida Authority has taken over possession of some excess land while taking possession of the acquired land under the provisions of the Land Acquisition Act, 1986. The compensation for the excess land has not been paid to the petitioner so far. The petitioner is claiming compensation at the rate prescribed for urban land whereas the respondents are proposing to pay compensation at the rate prescribed for agricultural land.
3. Sri Kaushalendra Nath Singh, learned counsel appearing for the Noida Authority, submits that some piece of land were utilized by the Authority.
4. Mrs. Uttara Bahuguna, learned Additional Chief Standing Counsel, submits that since the land was not formally acquired, therefore, the matter relating to determination of compensation for such land is to be decided by the committee envisaged under G.O. dated 12.5.2016. The said committee also has power to decide the issue relating to the extent of land which had been utilized by Noida.
5. In our opinion, interest of justice would be served in permitting

the petitioner to raise his claim before the said committee.

6. Accordingly, the petition is disposed of with liberty to the petitioner to make representation before respondent no.3 within two weeks from today, along with true attested copy of the instant order. Respondent no. 3 will forward the representation to the committee for being decided in accordance with law within next twelve weeks, after hearing all concerned.

Order Date :- 18.10.2023

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