

Court No. - 21

Case :- WRIT - C No. - 25299 of 2023

Petitioner :- Lavkush Prajapati

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Rakesh Kumar Srivastava, Arvind Srivastava

Counsel for Respondent :- C.S.C

Hon'ble Manoj Kumar Gupta, J.

Hon'ble Donadi Ramesh, J.

1. The instant petition has been filed praying for a direction to the respondents to pay compensation to the petitioner for having taken over possession of his land bearing Plot No. 137 and 147 situated at Katahula Gauspur Sadar, District Allahabad.

2. The case of the petitioner is that the respondents have taken possession of his aforesaid land for widening of the existing road without initiating any formal proceedings for acquisition.

3. As per instructions furnished by the respondents to learned standing counsel, some part of Gata No. 137 is affected and proceedings are underway to acquire the same on basis of written consent of the petitioner and in respect of Gata No. 147, the stand taken is that it is not getting affected by widening of the road.

4. Shri Arvind Srivastava, learned counsel for the petitioner submits that the stand taken by the respondents is incorrect and that both the plots are getting affected by widening of the road. He submits that the claim of the petitioner be directed to be decided by the Committee in terms of the Government Order dated 12 May 2016.

5. Shri Rajiv Gupta, learned Additional Chief Standing Counsel has no objection to the same.

6. Accordingly, without expressing any opinion on merit, the writ petition is disposed of with liberty to the petitioner to file representation along with true attested copy of the instant order before respondent No. 2 within two weeks from today. Respondent No. 2 will place the representation before the Committee for being decided in accordance with law after due notice and opportunity of

hearing to the petitioner and also after getting site surveyed in his presence. The decision taken by the Committee shall be communicated to the petitioner by respondent No. 2 soon thereafter.

Order Date :- 13.10.2023

Mukesh Kr.

(Donadi Ramesh,J.)

(Manoj Kumar Gupta,J.)