

Court No. - 21

Case :- WRIT - C No. - 26874 of 2023

Petitioner :- Pramod Kumar And Another

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

Counsel for Petitioner :- Ashwani Kumar Mishra

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 writ of mandamus commanding the District Collector to ensure payment of compensation to the petitioners for utilising part of their land of Khata No.873, Village Nyamu, Pargana Charthawal, Tehsil Sadar, District Muzaffar Nagar within a specified time frame for construction of a road. The petitioners have also prayed for a direction to the respondents to decide their representation dated 20.10.2022.

2. The case of the petitioners is that the respondents have utilized 540 sq. meters of their land for construction of road without any formal acquisition and payment of compensation.

3. Respondent no.2 has filed his affidavit stating that the road was in existence since last 25 years; that the petitioners are subsequent purchasers of the plot in question and at that time also the road was in existence; that during consolidation operations, the map was corrected and that the petitioners are not entitled to any compensation.

4. Sri Ashwani Kumar Mishra, counsel for the petitioners, after making brief submissions, prays for withdrawal of the instant petition with liberty to the petitioners to avail such other remedy as may be advised.

5. Accordingly, the petition is disposed of as withdrawn with liberty in terms of the prayer made.

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

Order Date :- 6.11.2023

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