

Court No. - 21

Case :- WRIT - C No. - 32965 of 2023

Petitioner :- Om Prakash Yadav And 23 Others

Respondent :- Union Of India And 4 Others

Counsel for Petitioner :- Mukul Yadav,Rajesh Yadav

Counsel for Respondent :- A.S.G.I.,C.S.C.,Pranjal Mehrotra,Vaibhav Tripathi

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Donadi Ramesh,J.

1. Heard Sri Mukul Yadav, learned counsel for the petitioners, Sri Vaibhav Tripathi, learned counsel for respondent no.1, Sri Pranjal Mehrotra, learned counsel for respondent nos. 2 and 3 and learned Standing Counsel for the State-respondents.

2. The prayer made in the instant petition is for a direction to the respondents not to demolish the houses of the petitioners in pursuance of notification dated 05.04.2023 under Section 20-E of the Railways Act, 1989 (hereinafter referred to as 'the Act') and not to change the alignment of the Dedicated Freight Corridor.

3. The case of the petitioners is that initially the respondents issued a notification dated 5.5.2021 under Section 20-A of the Act for acquiring certain land for the Dedicated Freight Corridor. The said notification was challenged before this Court in a writ petition and it is pending. The respondents thereafter changed the alignment and issued fresh notifications under the Act for acquisition of the land as per changed alignment and it includes the land of the petitioners herein.

4. The petitioners have not challenged the notification issued under Section 20-E of the Act nor could point out any illegality therein.

Consequently, the prayer for issuance of a writ of mandamus restraining the respondents from changing the alignment or from taking possession of the land in pursuance of the proceedings for acquisition under the Act, is wholly misconceived. An award has also been made in respect of the subject land on 01.06.2023 as has been informed by Sri Pranjal Mehrotra, learned counsel appearing for respondent nos. 2 and 3.

5. Accordingly, the petition is **dismissed**. It is left open to the petitioners to withdraw the compensation or take such other legal steps to challenge the award, as may be advised.

(Donadi Ramesh, J.)

(Manoj Kumar Gupta, J.)

Order Date :- 12.10.2023

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