

Court No. - 21

Case :- WRIT - C No. - 28626 of 2023

Petitioner :- Jagvir Singh

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

Counsel for Petitioner :- Anil Kumar Dubey,Ram Milan Dwivedi

Counsel for Respondent :- C.S.C.,Mahesh Narain Singh,Ravi Prakash Pandey

Hon'ble Manoj Kumar Gupta,Acting Chief Justice

Hon'ble Kshitij Shailendra,J.

1. The instant petition has been filed praying for a writ of mandamus commanding respondent No. 2 to decide the objection of the petitioner dated 28.02.2022 filed in response to a notice published in newspaper 'Hindustan' dated 28.01.2022, whereby, the Ghaziabad Development Authority, Ghaziabad has invited objection against the proposed changes in D.P.R. submitted by M/s Uppal Chaddha Hi-Tech Developers Pvt. Ltd. in relation to the approved layout of Hi-Tech Township. The petitioner has also prayed for release of his land or for payment of compensation.

2. Learned counsel for the petitioner submits that the objection filed by the petitioner has not been decided by the respondents so far.

3. Shri Mahesh Narain Singh, learned counsel appearing for respondent No. 2 points out that the petitioner had in the past filed Writ-C No. 40641 of 2023 along with one Shyamveer who has also now filed objection against the proposed change in D.P.R. The said writ petition (Writ-C No. 40641 of 2023) was disposed of vide order dated 04.12.2023. The prayer of the petitioners for a high level enquiry being conducted in respect of the development of Hi-Tech Township was not entertained by order dated 04.12.2023 and it was left open to the petitioners to approach the Competent Authority for redressal of their grievances, if any. He submits that in paragraph-11 of the said writ petition, it was admitted by the petitioners that they have received compensation in lieu of acquisition of their land. Accordingly, the prayer made in the instant petition for release of land of the petitioners is wholly

misconceived. He further states that the objection filed by the petitioner would be considered by the Board of G.D.A. in accordance with law.

4. The State is also in receipt of instructions, according to which, petitioner had executed an agreement to sell dated 23.04.2014 in respect of Khasra No. 107; he has executed an agreement dated 20.12.2018 and in pursuance whereof Khasra No. 23, area 570 square meter was purchased by the developers by sale-deed dated 14.02.2019; in respect of Khasra No. 19, name of the petitioner was not found entered in revenue record; in respect of Khasra No. 57, the developers had purchased the property on the basis of mutual negotiation and in respect of Khasra No. 74, also an area measuring 1230 square meter had been purchased by the developers. It is also mentioned that the change in D.P.R. is yet to be approved by Ghaziabad Development Authority in its Board meeting.

5. Learned counsel for the petitioner is not in a position to deny the fact that in the previous writ petition, it was admitted by the petitioner that he had received compensation amount. In respect of objection filed by the petitioner in pursuance of public notice issued by G.D.A., we **dispose of** the instant petition by providing that in case objection has not yet been decided, the same shall be considered and decided by the Board of respondent No. 2 in accordance with law.

Order Date :- 13.12.2023

Mukesh Kr.

(Kshitij Shailendra,J.) (Manoj Kumar Gupta,A.C.J.)