

Court No. - 32

Case :- WRIT - C No. - 30329 of 2023

Petitioner :- Smt. Nirmala Devi And 2 Others

Respondent :- Union Of India And 3 Others

Counsel for Petitioner :- Shailesh Kumar Pathak, Aman Pandey

Counsel for Respondent :- A.S.G.I., C.S.C., Ravi Prakash Singh

Hon'ble Salil Kumar Rai, J.

Hon'ble Donadi Ramesh, J.

The instant petition has been filed commanding the respondent no.3 i.e., Additional District Magistrate (Finance & Revenue), Ghazipur and the Competent authority of the National Highways Authority of India, District Ghazipur to pay the compensation amount of the land that was acquired by the authority with interest.

The petitioners are co-sharers of Arazi No.637, Area 0.3960 Hectare of the Village Sheikhpur, Pargana Pachotar, Tehsil Sadar, Ghazipur District Ghazipur, U.P. Out of total area of the petitioners' land, a portion of area 0.0734 Hectare was carved out and was acquired by the authority and the compensation was awarded to the petitioners in their different bank accounts. The petitioner nos. 1, 2 and 3 got an amount of Rs. 5,44,472/-, Rs. 6,07,906/- and Rs. 8,72,213/- respectively for the aforesaid land acquisition, but the compensation for the remaining land of 0.0113 Hectare, is still pending. Though the respondents have acquired the total land, but for the remaining land of 0.0113 Hectare, the compensation has not been awarded.

In such circumstances, the petitioners have approached the concerned authorities vide representation dated 24.12.2022 and despite repeated representations, the authorities have not considered the claim of the petitioners and hence the present writ petition.

Learned Standing Counsel appearing on behalf of the State Authorities has submitted that in the identical circumstances to resolve the said issue, the State Authorities have constituted a Committee under Government Order dated 12.5.2016, which consists of Revenue/Land Acquisition Authority as well as the Requisition Authority and the Government Officials as members of the Board.

The petitioners may approach the Committee and the Committee would consider and dispose of the same within the stipulated period.

Shri Ravi Prakash Singh, learned counsel appearing on behalf of the National Highways Authority on instructions has submitted that whatever the area notified in the land acquisition proceedings under Section 3-A of the National Highways Act, 1956 has passed an award and paid the compensation.

Considering the above submissions made by the counsel appearing on behalf of the parties, the writ petition is **disposed of** giving liberty to the petitioners to make a fresh representation along with true attested copy of the instant order within a period of two weeks before the Additional District Magistrate, i.e., third respondent herein along with the relevant records. On receipt of such representation, the third respondent is directed to place the same before the Committee which was constituted as per the Government Order dated 12.5.2016. On receipt of such representation by the Committee, the Committee may inquire into the matter by conducting demarcation of the land of the petitioners by issuing sufficient opportunity to the petitioners and decide the same within twelve weeks from the date of receipt of the order.

Order Date :- 28.10.2023

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