

Court No. - 21

Case :- WRIT - C No. - 31279 of 2023

Petitioner :- Dhanesh @ Dhanesh Yadav

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Phool Chandra Singh, Govind Narayan 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 respondents to pay compensation to the petitioner in compliance of order of respondent no.6 dated 10.4.2023. The petitioner has also prayed for a direction to the respondents to pay compensation for additional area i.e. 0.0050 hectare, which according to the petitioner, was also occupied by the respondents for construction of a road.
2. The order dated 10.04.2023 has been passed by the Special Land Acquisition Officer, Joint Organization, Varanasi holding that an area measuring 0.0080 hectare got affected as a result of construction of a road and the said amount is liable to be paid by P.W.D., Chandauli.
3. Sri Rajeev Gupta, learned Additional Chief Standing Counsel, on basis of written instructions received by him, states that on 2.11.2023 the petitioner was issued notice to submit his consent and other documents to facilitate payment of compensation for the said area i.e. 0.0080 hectare.
4. Counsel for the petitioner states that the petitioner will give his consent and fulfill other requirements.
5. Accordingly, we permit the petitioner to give written consent and file other required documents before the respondents to facilitate payment of compensation for land measuring 0.0080 hectare within four weeks from the date the formalities are completed by the petitioner.
6. In respect of the prayer for payment of compensation for an area measuring 0.0050 hectare, it is based on Khasra entry which mentions that the road exists over Arazi No.82, area 0.0130 hectare. It is submitted by counsel for the petitioner that the respondents are wrongly not paying compensation for the

remaining land.

7. Since the said aspect is yet to be ascertained, therefore, we direct respondent no.3 to constitute a revenue team of three officials who will carry out spot inspection and survey of the site and thereafter the matter will be decided by the District Level Committee in terms of Government Order dated 12.05.2016 within a period of eight weeks thence.

8. The petition stands disposed of accordingly.

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

Order Date :- 9.11.2023

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