

Court No. - 40

Case :- WRIT - C No. - 31631 of 2023

Petitioner :- Gulab Singh and another

Respondent :- State of U.P. and 3 Others

Counsel for Petitioner :- Dwijendra Prasad

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Sri Dwijendra Prasad, learned counsel for the petitioners and Sri Ambrish Shukla, learned Additional Chief Standing Counsel for the State respondents.

2. By means of present writ petition, the petitioners have sought following reliefs:-

"(i) Issue a writ, order or direction in nature of mandamus directing to allow this writ petition directing respondent no.2 to decide the representation dated 24.07.2023 on the merits after affording the opportunity of hearing to the petitioners within stipulated time fixed by this Hon'ble Court.

(ii) Issue a writ, order or direction in nature of mandamus directing to respondents to decide the representation of the petitioners."

3. Learned counsel for the petitioners submits that the petitioners are owners of land in question and the details of the land are given in para-3 of the writ petition. The land was acquired by the State Government vide letter dated 10.08.2022 for construction of "Brij Chaurasi Kos Parikrama Marg" but the compensation has not been paid to them. He has placed reliance on the information dated 03.04.2023, wherein the Sub Divisional Magistrate, Mathura has informed that in pursuance of the letter dated 10.08.2022 the proceedings for compensation are pending before the Executive Engineer, Provincial Division, PWD, Mathura (respondent no.4). So far as the grievance of the petitioners is concerned, they have already filed a representation dated 06.06.2023 before the respondent no.4 for redressal of their grievance, which is still pending. He has confined his prayer only to the relief that the petitioners' representation may be considered by the appropriate authority.

4. Learned Additional Chief Standing Counsel has placed detailed instruction sent by the Sub Divisional Officer, Mathura and

Executive Engineer, Provincial Division, P.W.D., Mathura, which is taken on record. Copy of the instruction is also given to learned counsel for the petitioners. In the instruction, it is claimed that the present matter relates Khasra No.559M area 0.1820 hectare situated at Village Bad, Tehsil and District Mathura, which is recorded as 'Rasta' (road). He submitted that the petitioners have already been accorded compensation qua their holdings, which are recorded as agricultural land. Moreover, the grievance of the petitioners has already been redressed by the Sub Divisional Magistrate, Mathura vide order dated 03.04.2023, which is already brought on record as Annexure No.4 to the writ petition. He submits that so far as the claim of the petitioners regarding disbursement of compensation is concerned, the said aspect has already been decided by the Sub Divisional Magistrate, Mathura on 03.04.2023, wherein it is indicated that in case any compensation is to be disbursed, the same is at the end of the Executive Engineer, Provincial Division, PWD, Mathura.

5. Learned counsel for the petitioners in this backdrop states that admittedly, the construction is going on and till date actual demarcation has not been carried out, even though they have received ex-gratia payment qua their agricultural holdings. He submits that the direction may be issued to the Sub Divisional Magistrate for ensuring adequate demarcation of their holding so that actual benefit of compensation may be extended to the petitioners.

6. No useful purpose would be served in keeping the writ petition pending consideration.

7. Considering the facts and circumstances and without expressing any opinion on the merits of the case the writ petition is disposed of with observation that in case the petitioners move an appropriate application within a week's time from today as per provisions of U.P. Revenue Code, 2006, we hope and trust that the same would be decided in further six weeks.

8. Needless to say that we have not restrained the respondents to carry out any developmental activity and in case any right of the petitioners is crystalized then they would have every right to receive the compensation as per law.

Order Date :- 17.10.2023

RKP