

Court No. - 40

Case :- WRIT - C No. - 33089 of 2023

Petitioner :- Vinay Sheel Shukla And 4 Others

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Rajesh Kumar, Adarsh Kumar

Counsel for Respondent :- C.S.C., Adarsh Kumar, Vivek Kumar Singh

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioners; Sri Ambrish Shukla, learned Additional Chief Standing Counsel for the State-respondent and Sri Vivek Kumar Singh, learned counsel for the respondent no. 2.
2. The present writ petition is preferred for quashing the Notification of Tender dated 6.10.2022 issued by Project Director District Village Development Agency, District Kanpur Nagar (Annexure no. 8 to the writ petition). With further prayer for a mandamus commanding the respondent not to change the nature of land of plot no. 1246 and 1247 situated at Village Nawbasta, Tehsil and District Kanpur Nagar in any manner.
3. At the very outset, learned Additional Chief Standing Counsel raised two fold objections regarding maintainability of the writ petition. Firstly, the land in question was acquired way back in the early 70's/80's, wherein, the Notification under Section 28 and 32 of Awass Vikas Parishad Adhiniyam 1965 issued by the U.P. Awass Vikas Parishad were published on 10.03.1973 and 20.09.1980 respectively. Even some tenureholders had also agitated and challenged the acquisition proceeding before this Court in Civil Misc. Writ Petition No. 12469 of 1982 and consequently certain land had also been exempted by Awass Vikas Parishad. Therefore, at this belated stage, the present writ petition is not maintainable on the ground of delay and laches. Secondly, in case the land is vested in the State, the same is free from all encumbrances only the relief can be asked for adequate compensation. Even the same cannot be accorded at this belated stage. In case the petitioners are still aggrieved, they may press the relief before the District Magistrate for getting

the compensation.

4. Considering the facts and circumstances of the case, we are of the considered opinion that the objection so raised by learned Additional Chief Standing Counsel has force. More so office has also submitted the report that the present writ petition has been filed beyond time by 258 days. In case, the petitioners have grievance with non disbursement of the compensation, it is always open for them to press the relief before the Special Land Acquisition Officer/District Magistrate concerned.
5. With the aforesaid observations, the present writ petition stands **disposed of**.

Order Date :- 1.12.2023

A.K.Srivastava