

Court No. - 21

Case :- WRIT - C No. - 34036 of 2023

Petitioner :- Hatam Singh And 2 Others

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

Counsel for Petitioner :- Hira Lal Singh(Kushwaha)

Counsel for Respondent :- C.S.C.,Anjali Upadhya

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Donadi Ramesh,J.

1. The instant petition has been filed by the petitioners challenging the notification dated 29.12.2001 under Section 4 read with Section 17 (4) of the Land Acquisition Act, 1894 and the notification dated 30.03.2002 under Section 6 read with Section 17 (1) of the Land Acquisition Act, 1894. The petitioners have also prayed for a direction to the respondents to release the plot of the petitioners bearing No.165M, area 0.7210 hectare of Village Mauja Kherachoganpur, Tehsil & Pargana Dadri, District Gautam Budh Nagar for the reason that it has not been utilized for setting up industries or for construction of road so far.

2. Learned counsel appearing for the Greater Noida Authority submits that the challenge is highly belated and that possession of the land in question was taken on 17.7.2002 followed by award dated 1.10.2009. She further submits that in respect of part of the land, the petitioners had also executed sale deed in favour of the Noida Authority.

3. The challenge to the impugned notifications is highly belated and we are not inclined to examine the challenge at this stage. In respect of the second prayer for release of the land on the ground that it has not been utilized for the purpose of acquisition, it is noteworthy that under Section 48, the Government is invested with power to withdraw from any acquisition only in the cases where possession has not been taken. However, in the instant case, admittedly possession was taken long back and, therefore, even Section 48 of the Act would not apply whereunder the petitioners are seeking release of their land.

4. The petition is based on totally misconceived contentions and is devoid of any merit. It is accordingly dismissed.

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

Order Date :- 2.11.2023

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