

Court No. - 21

Case :- WRIT - C No. - 34396 of 2023

Petitioner :- Shyam Narayan Rai And 3 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- J.P. Singh,Dhirendra Singh

Counsel for Respondent :- CSC

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Donadi Ramesh,J.

Ref: C.M. Impleadment Application No. NIL of 2023

1. Heard.

2. Impleadment application is allowed. Notice on behalf of newly impleaded respondent has been accepted by learned standing counsel.

3. Let necessary amendment be made in the cause title during course of the day.

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

Order Date :- 20.11.2023

SL

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Hon'ble Donadi Ramesh,J.

1. Heard counsel for the parties.
2. The instant petition has been filed praying for a direction to the respondents to pay compensation to the petitioners in lieu of their land acquired by the respondents for construction of Sharda Canal.
3. The Executive Engineer, Sharda Canal, Azamgarh has furnished written instructions. According to the instructions, an award for the subject land was duly made. The petitioners, instead of withdrawing the compensation, filed Original Suit No.1266 of 1997 for injunction against the State. Consequently, the compensation amount was deposited by the Special Land Acquisition Officer, Azamgarh under the head 'revenue deposit'. Para 6 of the instructions mentions that it is still open to the petitioners to approach the Special Land Acquisition Officer, Azamgarh/Mau to withdraw the amount.
4. Sri J.P. Singh, learned counsel for the petitioners states that the suit was only for injunction and he states at the Bar that the petitioners shall withdraw the said suit.
5. Having regard to the submissions, we dispose of the instant petition by providing that as soon as the suit is withdrawn by the petitioners, it shall be open to them to approach the Special Land Acquisition Officer concerned with appropriate application for withdrawal of the compensation amount alongwith true attested copy of the instant order and in which event, the Special Land Acquisition Officer, after verifying the entitlement of the petitioners, will release the amount within four weeks from the date the application is filed by the petitioners.

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

Order Date :- 20.11.2023/SL