

Court No. - 21

Case :- WRIT - C No. - 35452 of 2023

Petitioner :- Saurabh Sharma And Another

Respondent :- State Of Uttar Pradesh And 4 Others

Counsel for Petitioner :- Saransh Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. The instant petition has been filed praying for a suitable direction to the respondent authorities not to coerce the petitioners to transfer their share of land in Khata No.7, 8, 9, 11, 22, 204, 205, 206, 228, 234 and 277 situated in District Lalitpur, Uttar Pradesh to the State authorities without following due process of law.
2. The case of the petitioners is that they are being compelled and coerced by the State respondents to execute sale deed in respect of their share in the aforesaid land to pave way for construction of Airport. The petitioners are not ready to transfer their share on basis of mutual negotiation, still they are being compelled by the respondents.
3. Sri Rajeev Gupta, learned Additional Chief Standing Counsel has placed on record the instructions received by him from the District Magistrate, Lalitpur, according to which 99% of the tenure holders have already agreed to transfer their land in favour of the State respondents. However, the petitioners are not agreeing to transfer the same.
4. Sri Rajeev Gupta, learned Additional Chief Standing Counsel states that in case the petitioners do not agree to transfer their land on basis of mutual negotiation, the respondents would formally acquire it after following the procedure prescribed under law. He further states that there is no question of interfering with the possession of the petitioners without acquiring the land.
5. Having regard to the aforesaid stand of the State respondents, we dispose of the instant petition by providing that the respondents shall not compel the petitioners to execute sale deeds in respect of their share in their favour unless they agree for the same on their free will. However, it shall be open to the respondents to acquire the subject land by following the procedure prescribed under law.

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

Order Date :- 22.11.2023

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