Court No. - 21

Case :- WRIT - C No. - 34511 of 2022

Petitioner :- Sumrat And 20 Others
Respondent :- Union Of India And 3 Others
Counsel for Petitioner :- Bhagwan Das
Counsel for Respondent :- A.S.G.I.,C.S.C.,Prashant Singh Som

Hon'ble Manoj Kumar Gupta,J.
Hon'ble Donadi Ramesh,J.

1. Heard Sri Bhagwan Das, learned counsel for the petitioners and Sri Prashant Singh Som, learned counsel for the respondents.

2. The instant petition has been filed praying for a writ of mandamus directing respondent no.2 to consider representation of the petitioners dated 2.7.2022 and pay compensation to them.

3. The petitioners allege that the respondents have taken possession of their land for construction of railway line without payment of any compensation to them.

4. A counter affidavit has been filed by the Railways, in which the stand taken is that railway track is being constructed over the land acquired in the year 1971 and in respect whereof award was made on 28.2.1974.

5. Learned counsel for the petitioners submits that the respondents have taken possession of some extra land than what was acquired; however, there is no clear averment in this behalf in the representation filed by the petitioners.

6. The area of excess land allegedly taken by the respondents has also not been disclosed, therefore, we decline to examine the claim

in writ jurisdiction.

7. The writ petition is disposed of with liberty to the petitioners to file fresh representation before the authorities mentioning the exact area, which has been taken over by the respondents in excess of the land acquired and in which event, the same shall be disposed of accordingly by the competent authority within twelve weeks.

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

Order Date :- 3.11.2023
Noman

Digitally signed by :-
NOMAN AHMAD
High Court of Judicature at Allahabad