Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 10394 of 2023

Petitioner :- Rishi Pal And 6 Others
Respondent :- State Of U P And Another
Counsel for Petitioner :- Shiv Sagar Singh
Counsel for Respondent :- C.S.C.,Sunil Kumar Misra

Hon'ble Jayant Banerji,J.

1. Sri Shiv Sagar Singh, learned counsel for the petitioner, states that he does not intend to file any amendment application for amending the prayer clause in this petition, as prayed by him on a previous occasion.

2. Heard Sri Shiv Sagar Singh, learned counsel for the petitioner, Sri Pramod Kumar, holding brief of Sri S.K. Misra, learned counsel appearing for respondent no.2- U.P. Avas Evam Vikas Parishad and the learned Additional Chief Standing counsel, appearing for respondent no.1.

3. This petition has been filed seeking the following relief:-

"(i) issue a suitable order or direction directing the Court of Land Acquisition, Rehabilitation and Resettlement authority (L.A.R.R.A.) to decide the Misc. Case No. 703 of 2019 arising out of Land Acquisition Reference (LAR) No. 03 of 2012 pending before it within a stipulated span period of time."

4. The backgrounds of the case as reflected in this petition is that the land of plot No. 314 area 0.85 acres situated in village Majhola, Tehsil and district Moradabad, which belonged to the petitioners was acquired for the benefit of the U.P. Avas Evam Vikas Parishad. After the award was made by the Special Land Acquisition Officer on 2.9.1986, a Reference was preferred under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as the Act, 1894) which reference was answered by the District Judge. Leading case was Land Acquisition Case No. 251 of 1987.

5. Against the judgment on the reference made by the District Judge, a First Appeal was filed before this Court. It is stated that the First Appeal No. 896 of 1991 (U.P. Avas Evam Vikas Parishad Vs. Jagdish and others) was decided by this Court by a judgment and order dated 29.4.1999.

6. An application was filed by the petitioner under Section 28-A of the Act, 1894 for enhancement of compensation of the acquired land in terms of the judgment, passed by the reference

court. However, the application of the petitioners was rejected by the Special Land Acquisition Officer by the order dated 6.7.2012. Against the order of Special Land Acquisition Officer dated 6.7.2012, the petitioners filed an application under sub-section (3) of Section 28-A of the Act, 1894 for referring the matter to the concerned District Judge for determination of compensation.

7. It is stated that by an order dated 23.3.2018, the District Judge has answered the reference, but compensation has been awarded to the petitioners on the basis of wrong finding that the land of the petitioners is in third belt as per the classification made by this Court in the aforesaid first appeal. It is stated that an application dated 15.10.2019 was filed in the Court of District Judge, Moradabad which came to be numbered as Misc. Case No. 703 of 2019 in Land Acquisition Reference No. 03 of 2012 (Sompal and others Vs. State of U.P. and another), which application was filed under Section 151 and 152 CPC for correction of the order passed in the reference and to place the petitioners' plot No. 314 in the second belt. It is stated that the application is pending since the year 2019 and now, since an Authority has been constituted by the State Government under Section 51 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the Act, 2013), the Authority be directed to decide the aforesaid case.

8. Under the circumstances and without entering into merits of the matter, this petition is **disposed of** permitting the petitioners to move an appropriate application before the competent authority constituted under Section 51 of the Act, 2013 having jurisdiction in the matter for early disposal of the aforesaid Misc. Case No. 703 of 2019. If such an application is filed, the authority is required to consider the same and endeavour to decide the matter expeditiously, provided there is no legal impediment.

9. It is clarified that any observation made herein are only for purpose of deciding this petition and shall not be taken as an opinion on merits of the case.

10. This petition is, accordingly, **disposed of.**

Order Date :- 15.12.2023
sfa/

(Jayant Banerji, J)

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