

Court No. - 21

Case :- WRIT - C No. - 35160 of 2023

Petitioner :- Meera Sharma

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

Counsel for Petitioner :- Rahul Saxena

Counsel for Respondent :- C.S.C.

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Kshitij Shailendra, J.

1. The instant petition has been filed for a writ of mandamus commanding the respondents to grant compensation to the petitioner for acquiring her shop situated in Barkheda Kalan, District Pilibhit and to decide her application dated 18.08.2023 made in this regard.

2. Case of the petitioner is that her shop was acquired by the respondents under the provisions of National Highways Act, 1956, however, no compensation has been paid to her so far.

3. Respondent no.3 was granted time to furnish instructions on several dates. When instructions were not furnished by him, we directed for his personal appearance.

4. Today, an affidavit has been filed on his behalf, in which it is stated that he is suffering from Cancer and is undergoing treatment, therefore, he sought exemption from his personal appearance. Along with his affidavit, he has annexed the instructions on merits. In paragraph no.11 of the instructions, the stand taken is that as per award dated 06.07.2023, a sum of Rs.3,62,620/- was approved for being paid to the petitioner vide advice dated 01.10.2023.

5. Counsel for the petitioner states that the petitioner has not received the amount so far. He further submits that the compensation awarded is inadequate as the property acquired was of commercial nature.

6. In respect of his first grievance, we direct respondent no.3 to ensure that payment of compensation amount, as determined under the award, is made to the petitioner within two weeks from the date of communication of the instant order.

7. In respect of the second grievance, we leave it open to the petitioner to challenge the award in appropriate proceedings.

8. The petition stands disposed of.

Order Date :- 14.12.2023

AKShukla/-

(Kshitij Shailendra, J.) (Manoj Kumar Gupta, A.C.J.)