

Court No. - 21

Case :- WRIT - C No. - 36898 of 2023

Petitioner :- Sharada Pal Singh And 14 Others

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

Counsel for Petitioner :- Ranjeet Kumar Pandey

Counsel for Respondent :- CSC

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. The instant petition has been filed praying for a mandamus commanding the respondent-Authority to award compensation in favour of the petitioners in lieu of acquisition of their land and release the payment forthwith.
2. The petitioners claim that they are *Bhumidhars* of gata nos. 354 and 214, village Matihaniya Khurd, Post Pakadi Bujurg, District Kushinagar. It is alleged that the respondents in order to widen an existing road intends to take possession of part of their land but without paying any compensation.
3. In pursuance of our previous order, the State has furnished instructions. Sri Rajiv Gupta, learned Additional Chief Standing Counsel has placed on record the instructions received by him and according to which, most of the affected tenure holders have agreed to execute sale deeds in favour of the State in respect of their land. However, the petitioners have not agreed to amicably transfer the land. He states that in case the State does not succeed in getting the dispute resolved amicably, it will acquire the land of the petitioners formally and will not disturb the possession of the petitioners except in accordance with law.
4. Having regard to the above stand of the respondents, we **dispose of** the instant petition by providing that the respondents shall not disturb the possession of the petitioners over the subject land unless it succeeds in obtaining sale deeds from the petitioners or formally acquires it under the statutory provisions.

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

Order Date :- 22.11.2023/Ruhi H.