

Court No. - 39

Case :- WRIT - C No. - 36345 of 2023

Petitioner :- Rajnish Kumar And 2 Others

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

Counsel for Petitioner :- Ashish Kumar Srivastava,Vijay Pratap Singh

Counsel for Respondent :- C.S.C.,Pranjal Mehrotra,Pratik J. Nagar

Hon'ble Saumitra Dayal Singh,J.

Hon'ble Shiv Shanker Prasad,J.

1. Upon hearing Mr. Vijay Pratap Singh, learned counsel for the petitioners, Mr. Pranjal Mehrotra, learned counsel for respondent nos. 2 and 3, the learned Standing Counsel for the State-respondents and Mr. Akhilesh Kumar Pandey and Mr. Nasir Hussain, learned counsel for Santosh Kumar Singh (non impleaded at present), it transpires that at present, the title dispute is pending between the petitioners on one hand and Santosh Kumar Singh on the other, with respect to the land over which the high tension power line tower has been erected.

2. While rejecting the objection of the petitioners, the District Magistrate, Meerut has observed that at present, there is no adjudication made in favour of the petitioners, as may entitle them to compensation. At the same time, the District Magistrate has left it open to the petitioners to claim such compensation either from power corporation ltd. or from private persons, in whose favour compensation has been released on the strength of the adjudication order, whenever that may be made.

3. Such being the nature of the order passed by the District Magistrate, we find, the rights of the petitioners have been protected. Moreover, in absence of any declaration/adjudication of title made in favour of the petitioners, we do not see as how the petitioners may be entitled to receive compensation at this stage.

4. Accordingly, interference claimed is declined.

5. However, it is left open to the petitioners to claim compensation at the appropriate stage i.e. subject to civil dispute/title over the land in question being decided in their favour.

6. This petition is **dismissed** subject to the observations made above.

(Shiv Shanker Prasad, J.)

(Saumitra Dayal Singh, J.)

Order Date :- 20.11.2023

Sushil/-