

Court No. - 21

Case :- WRIT - C No. - 36439 of 2023

Petitioner :- Lal Singh And Another

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Guru Prasad Mishra

Counsel for Respondent :- C.S.C.,Pranjal Mehrotra

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Donadi Ramesh,J.

1. The instant petition has been filed praying for quashing of the order dated 15.09.2023 passed by Special Land Acquisition Officer, Joint Organization, Saharanpur. By the said order, the Special Land Acquisition Officer has considered the claim of the petitioners and respondents no.5 & 6 in respect of the compensation amount in pursuance of award dated 7.07.2022 under the provisions of the National Highways Act, 1956. The order records that respondents no.5 & 6 have instituted a civil suit against the petitioners. Plaint of the said suit reveals that therein respondents no.5 and 6 have claimed right on the entire remaining amount of compensation in respect of the subject land. The Special Land Acquisition Officer has therefore rejected the prayer of the petitioners for release of compensation in their favour until the suit is decided.

2. Counsel for the petitioners submits that since there was dispute relating to apportionment between the petitioners and respondents no.5 and 6, the competent authority should have referred the dispute to the principal civil court of original jurisdiction as provided under Section 6-H (4) of the Act.

3. Sri Pranjal Mehrotra appearing for NHA and learned standing counsel have no objection in case the dispute is referred to the civil court.

4. Having regard to the aforesaid stand, we leave it open to the petitioners to file application before respondent no.3 for reference of dispute relating to apportionment to the civil court within two weeks from today alongwith true attested copy of the instant order and in which event, he shall pass appropriate orders in terms of Section 6-H (4) of the Act, after hearing the parties within four weeks.

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

Order Date :- 19.10.2023

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