

Court No. - 21

Case :- WRIT - C No. - 36596 of 2023

Petitioner :- Sandeep Kumar Gautam And 5 Others

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

Counsel for Petitioner :- Manju Lata Verma, Ram Sumer Chaudhary

Counsel for Respondent :- C.S.C., Nagendra Nath Mishra

Hon'ble Manoj Kumar Gupta, J.

Hon'ble Donadi Ramesh, J.

1. The case of the petitioners is that their land comprising of Gata No. 1493M is now covered by Godghoiya Nala. The respondents have constructed nala over it without paying any compensation to them. The petitioners have repeatedly represented to the respondents for payment of compensation, but to no avail.

2. Counsel for the petitioners places reliance on report of Lekhpal dated 10.5.2023 in contending that the respondents also admit that the aforesaid land was recorded in the name of the petitioners and now nala is flowing over it. It is also admitted that the possession is with the respondents. It is urged that in such circumstances, the respondents are liable to pay compensation to the petitioners.

3. Sri Rajeev Gupta, learned Additional Chief Standing Counsel, states that the claim of the petitioners has to be examined by District Level Committee in terms of G.O. dated 12.5.2016.

4. Accordingly, without expressing any opinion on merits, the petition is disposed of with liberty to the petitioners to file fresh representation along with true attested copy of the instant order before respondent no. 2, within two weeks from today and in which event, respondent no. 2 will place the same before the District Level Committee for decision in accordance with law, after affording opportunity of hearing to the petitioners and

carrying out survey of the site by a revenue team in presence of the petitioners. The entire exercise in this regard shall be completed within twelve weeks from the date of receipt of representation by respondent no. 2.

5. The order has been passed in the presence of Sri Nagendra Nath Mishra, learned counsel for respondent no. 4.

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

Order Date :- 1.11.2023

Jaideep/-