Court No. - 21

Case :- WRIT - C No. - 37278 of 2023

Petitioner :- Sewaram
Respondent :- State Of U.P. And 4 Others
Counsel for Petitioner :- Dilip Kumar Upadhyay
Counsel for Respondent :- CSC,Suresh C. Dwivedi

Hon'ble Manoj Kumar Gupta,J.
Hon'ble Donadi Ramesh,J.

1. Heard learned counsel for the petitioner, learned standing counsel for the State-respondents and Shri M.C. Chaturvedi, learned Senior Counsel assisted by Shri Suresh C. Dwivedi, for respondent No. 4.

2. The prayer made in the instant petition is for issuance of writ of mandamus directing respondent No. 2 i.e. District Magistrate, Shahjahanpur to enter Gata No. 86 belonging to the petitioner in 'Nibandhak Pustika' and pay compensation to him for the said land by treating it to be situated at Janpad Marg.

3. According to the petitioner, compensation for the land on Janpad Marg is almost four times the amount determined in favour of the petitioner.

4. Counsel for the petitioner submits that the petitioner had filed Writ Petition No. 37776 of 2022 for the same relief but it was disposed of by this Court vide order dated 13.02.2023 with liberty to the petitioner to move proper application before the Competent Authority for disbursement of compensation.

5. Shri M.C. Chaturvedi, learned counsel appearing for respondent No. 4 submits that in case petitioner is aggrieved by the amount determined under the award dated 01.09.2022, it is open to him to seek reference and in case reference is not made by the Collector to approach the Authority directly.

6. We find considerable force in the submission of learned counsel appearing on behalf of respondent No. 4. As it is not disputed that there is already an award dated 01.09.2022 by Special Land Acquisition Officer and therefore, remedy of the petitioner for enhancement of compensation amount is by way of application for

referring the dispute to the Authority as per Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Under the second proviso to sub-section (1) of Section 64, in case the Collector fails to make reference within 30 days from the date of receipt of application, it is open to the applicant to approach the Authority directly.

7. Accordingly, petition is **disposed of** with liberty to the petitioner to avail the remedy provided under Section 64 of the Act, if so advised.

8. No case is made out to examine the claim for enhancement in exercise of writ jurisdiction.

Order Date :- 30.10.2023
Mukesh Kr.

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

Digitally signed by :-
MUKESH KUMAR
High Court of Judicature at Allahabad