

Court No. - 21

Case :- WRIT - C No. - 37448 of 2023

Petitioner :- Smt. Sushma Chauhan

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

Counsel for Petitioner :- Jai Shanker Misra, Ashish Mishra, Vijai Shanker Shukla

Counsel for Respondent :- C.S.C., Kaushalendra Nath Singh

Hon'ble Manoj Kumar Gupta, J.

Hon'ble Donadi Ramesh, J.

1. The instant petition has been filed praying for a writ of mandamus directing respondent no. 6 to incorporate the order dated 19.4.2023 by ADM (Land Acquisition), Gautam Budh Nagar in respect of Khasra No. 137, area 0.5060 hectare, in the revenue records.

2. In fact, the alleged order dated 19.4.2023 by ADM (Land Acquisition), Gautam Budh Nagar is not an order, but only a communication sent by him to Tehsildar, Dadri enclosing therewith the application of the petitioner and her husband for necessary action. The application mentions that land of Khasra No. 137, measuring 0.8475 hectare was acquired for planned industrial development by Noida. The name of Noida is mutated over the entire plot. Over the said plot, their abadi is in existence and in relation to which some decision was taken on 12.3.2012 for exemption. Therefore, name of Noida should be entered only over the remaining area over which there is no abadi, i.e. 0.5060 hectare, instead of 0.8475 hectare. On 12.3.2012, the Committee constituted for regularization of abadi land had resolved to leaseback the land over which abadi was in existence. On query made by the court that whether any leaseback has been done in favour of the petitioner and her husband, learned counsel for the

petitioner states that there is no leaseback of the abadi land so far. He is also not in a position to state whether there is any award in respect of the said land and whether the petitioner has withdrawn compensation in respect of the land over which abadi is alleged to be in existence. Therefore, we are of the opinion that the communication sent by ADM (Land Acquisition), Gautam Budh Nagar, on which reliance is being placed, does not confer any right in favour of the petitioner and her husband to get their names mutated.

3. The petition lacks merit and is dismissed.

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

Order Date :- 31.10.2023
SL