

Court No. - 21

Case :- WRIT - C No. - 37329 of 2023

Petitioner :- Smt. Shanti Devi

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

Counsel for Petitioner :- Rajendra Singh Chauhan

Counsel for Respondent :- CSC

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Donadi Ramesh,J.

1. The instant petition is directed against the order dated 27.7.2023 passed by respondent no. 3 in purported compliance of the direction issued by this court on 2.3.2022 in Writ - C No. 21575 of 2016 filed by the petitioner and the order dated 5.5.2023 passed in Contempt Application No. 3492 of 2023. (Smt. Shanti Devi vs. Durga Shakti Nagpal, D.M. and Another).

2. The case of the petitioner in the previous writ petition was that the respondent had taken over possession of some part of Gata No. 875 belonging to her while constructing a bypass road. The writ petition was disposed of with direction to the State respondents to get the land of the petitioner demarcated on the spot and in case it is found that possession of any portion of the land of the petitioner had been taken, the respondent would either hand back possession of the land to the petitioner or pay compensation for the same to her.

3. The impugned order records that in compliance of the above direction, the respondents constituted a joint survey team and informed the petitioner that demarcation of her land would be carried out on 13.6.2023 at 5 p.m. The petitioner and her son were present at the time of demarcation proceedings, but they refused to sign the inspection memo. The inspection memo was however signed by number of villagers, namely Vinay, Sachin and Dharmendra Kumar. According to the demarcation report, no part

of the land of the petitioner got affected as a result of construction of the bypass road. Therefore, it has been held that the petitioner is not entitled to any compensation.

4. Learned counsel for the petitioner tried to contend that the demarcation report is incorrect, but he has not brought on record the said report. From the portion of the report extracted in the impugned order, he is unable to show any illegality or perversity in the same. The decision taken by respondent no. 3 is only a summary disposal of the claim of the petitioner and it is always open to her to avail remedy before regular civil court, or in such other manner as may be advised. However, no good ground is made out to interfere with the impugned order.

5. Accordingly, without interfering with the impugned order, the petition is disposed of with liberty to the petitioner to avail such other remedy as may be advised.

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

Order Date :- 30.10.2023

Jaideep/-