

Court No. - 21

Case :- WRIT - C No. - 37035 of 2023

Petitioner :- Smt. Neelam Tiwari

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Shivam Agarwal, Puneet Pandey

Counsel for Respondent :- C.S.C., Arun Kumar, Pawan Kumar 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.2 to restore Arazi No.221/1, Pargana Arail, Gram Jahangirabad Uparhar, District Allahabad to its original form.
2. The case of the petitioner is that respondent no.2 had constructed a road over her aforesaid plot without any formal acquisition and payment of compensation.
3. Sri Arun Kumar, learned counsel appearing on behalf of respondent no.2, on instructions, states that the matter would be placed in the next Board meeting of P.D.A. for compensation being determined in accordance with Government Order dated 21.03.2016.
4. Sri Rajeev Gupta, learned Additional Chief Standing Counsel informs us that there is a Government Order dated 12.05.2016 whereunder there is a Committee headed by A.D.M., F.& R which takes decision in such cases. He points out that in the said Committee, a representative of the acquiring body is also a member.
5. Counsel for the parties agree that the matter relating to payment of compensation be referred to the said Committee.
6. Accordingly, the writ petition is disposed of with direction to respondent no.2 to forward the documents relating to payment of compensation for the subject land to the Chairperson of the Committee envisaged under Government Order dated 12.05.2016 within two weeks from the date of communication of the instant order. The Committee will afford opportunity of hearing to the petitioner and also permit her to lead evidence and thereafter determine the compensation amount payable to the petitioner within eight weeks. The amount determined as compensation shall

be paid to the petitioner forthwith.

7. It shall be open to the petitioner to withdraw the compensation so determined without prejudice to her rights.

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

Order Date :- 20.11.2023
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