

Court No. - 21

Case :- WRIT - C No. - 37036 of 2023

Petitioner :- Abhay Kumar And 12 Others

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Suryaprakash Sharma, Sheo Kinkar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. In compliance of our previous order, the District Magistrate, Fatehpur (respondent no.3) has filed her affidavit. She is also personally present with the entire record of the case.

2. The prayer made in the instant petition is for a direction to the respondents to pay compensation to the petitioners in respect of their houses/shops which are required by the respondents for widening of Vijayipur-Dhata-Sonari-Hinauta Marg in Fatehpur and decide their representation dated 3.10.2023.

3. In the counter affidavit filed by respondent no.3, the stand taken is that some part of the land of petitioner no.8 i.e. Pitambar would be affected. The other lands are recorded as Khalihan or in the name of other persons. It is further stated that possession of the land which is required for widening of road would be taken only after payment of compensation.

4. Considering the stand of respondent no.3, we dispose of the instant petition by providing that the respondents will not take possession of land of the petitioners unless adequate compensation is paid to them on basis of amicable settlement or the land is compulsorily acquired under the provisions of law.

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

Order Date :- 7.12.2023

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