

Court No. - 21

Case :- WRIT - C No. - 37472 of 2023

Petitioner :- Kalindi Mishra

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Ambrish Chandra Pandey

Counsel for Respondent :- C.S.C.,Nagesh Kumar,Pranjal Mehrotra

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Donadi Ramesh,J.

1. Heard Sri Ambrish Chandra Pandey, learned counsel for the petitioner, Sri Rajeev Gupta, learned Additional Chief Standing Counsel for respondent nos. 1 and 2 and Sri Nagesh Kumar for respondent no. 3.

2. The petitioner has prayed for a direction to the respondent Authorities to pay compensation to him for the land of Gata No. 15, area 134.76 sq. meters, situated at Village Phaphamau, Pargana Soraon, District Prayagraj, as it is intended to be taken over by them for construction of a rail over bridge.

3. Learned counsel for respondent no. 3 is in receipt of instructions from the Project Manager and the same has been placed on record. According to it, the said project is being constructed keeping in mind the *Kumbh Mela* scheduled to be held in 2024 - 2025. In all, 124 tenure holders are likely to be affected, out of whom, 99 tenure holders had already executed sale deeds in favour of the respondents. It is admitted that some part of the land of the petitioner is also getting affected. The stand taken by the respondents is that a committee was constituted for determining the rate of compensation and the said committee in its meeting held on 6.6.2023 determined the same, according to which, the prescribed rate is Rs. 0.18 lakh in respect of the land of the petitioner. It is also mentioned that at present no work is being undertaken over the land of the petitioner and that acquisition will be done as per the extant

Government Orders.

4. Learned counsel for the petitioner submits that till date, the respondents have not offered compensation to him.

5. Learned counsel for the respondents state that the respondents would take possession of the land of the petitioner only after compensation amount is mutually agreed between the parties.

6. Having regard to the aforesaid stand of the respondents, we dispose of the instant petition by providing that the possession of the petitioner over land in question shall not be disturbed until the respondents pay compensation and obtain title documents in their favour on basis of mutual settlement or acquire the land under the statutory provisions.

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

Order Date :- 17.11.2023

Jaideep/-