

Court No. - 21

Case :- WRIT - C No. - 37970 of 2023

Petitioner :- Harbir Singh

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

Counsel for Petitioner :- Krishna Bihari

Counsel for Respondent :- C.S.C., Santosh Kumar Singh

Hon'ble Manoj Kumar Gupta, J.

Hon'ble Donadi Ramesh, J.

1. The prayer made in the instant petition is for quashing the award dated 10.10.2022 by which the respondents have determined compensation payable to the petitioner in lieu of acquisition of his land.

2. The case of the petitioner is that various relevant exemplar sale-deeds have not been considered and the principles contained in the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Re-settlement Act, 2013 have not been followed and therefore, the award is illegal.

3. Sri Santosh Kumar Singh, learned counsel appearing on behalf of respondent no. 4 points out that the petitioner has already filed an application dated 11.04.2023 seeking reference under Section 64 to the Land Acquisition Rehabilitation and Re-settlement Authority, which is not disputed by learned counsel for the petitioner.

4. Having regard to the aforesaid admitted factual position, we refrain from examining the validity of the award and direct the Collector to make reference to the Authority within two weeks so that the claim of the petitioner for a higher compensation is decided in accordance with law.

5. At this stage, learned counsel for the petitioner invites our attention towards the order of Supreme Court dated 12.10.2022 in Contempt Petition No. 414 of 2022 whereby a direction was issued to the State to pay cost of Rs. 1,00,000/-. The amount was to be deposited with the registry of the Supreme Court within four weeks from the date of the order. Out of the amount aforesaid 50,000/- was to be paid to the petitioner and 50% was to be transferred to the Mediation and Conciliation Project Committee Supreme Court. He submits that the petitioner has not been paid Rs. 50,000/- by the State Government so far.

6. Although, counsel for the petitioner contends that the cost has not been paid to the petitioner but there is no pleading that the cost, which was directed to be deposited in the registry of the Supreme Court has not been so deposited. Therefore, we decline to issue any direction in this behalf. We leave it open to the petitioner to ascertain whether the amount has been deposited by the State of U.P. with the registry of Supreme Court or not and make appropriate application for its release.

7. The petition stands **disposed of**, accordingly.

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

Order Date :- 9.11.2023

Ruhi H.