

Court No. - 21

Case :- WRIT - C No. - 39309 of 2023

Petitioner :- Peepli Khera Khandsari Udhyog

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

Counsel for Petitioner :- Shantanu

Counsel for Respondent :- C.S.C,Pranjal Mehrotra,Raghav Dwivedi,Suresh C. Dwivedi

Hon'ble Manoj Kumar Gupta,Acting Chief Justice

Hon'ble Kshitij Shailendra,J.

1. The prayer made in the instant petition is for a mandamus directing the respondents to pay compensation in respect of 1052 sq. mtrs. of land of Khasra Nos.101 and 102 situated at Village-Bhagwanpur, Pargana Sarawa, Tehsil-Meerut Sadar, District-Meerut and not to disturb petitioner's possession over the remaining land.

2. The case of the petitioner is that the respondents had acquired 1250 sq. mtrs. of Khasra No.101 for Ganga Expressway leaving 520 sq. mtrs. with the petitioner. However, they have illegally taken possession of the said remaining land also. It is also its case that the respondents have also taken possession of 532 sq. mtrs. from Khasra No.102 without paying any compensation.

3. The respondents have furnished written instructions which have been placed on record. A copy of the written instructions has also been supplied to the counsel for the petitioner, according to which, there is no proper demarcation between Khasra Nos.101 and 102 and the application of the petitioner under Section 24 of the U.P. Revenue Code-2006 for carrying out demarcation is pending. It is also stated that the respondents have acquired title over the area measuring 0.1250 hectares of Khasra No.101 on the basis of private sale and they have erected pillars over the same; that no part of Khasra No.102 has been utilized by the respondents and that the petitioner is still in possession of the remaining land of Khasra No.101.

4. The petitioner in the writ petition admits that Civil Suit No.585 of 2022 has been instituted against the State-respondents seeking injunction in respect of remaining area of Khasra No.101 and the area allegedly encroached by the respondents in respect of Khasra

No.102.

5. As the petitioner is claiming permanent injunction against the respondents in the civil suit instituted by it, the relief prayed herein for direction to the respondents to pay compensation for the said land is self-contradictory. Moreover, the proceedings for demarcation are admittedly pending and, as per the stand of respondents, it is not admitted that any excess land of the petitioner was taken over by the respondents.

6. Therefore, we find no good ground to grant relief as prayed for in the instant petition. The same is **dismissed**.

7. We clarify that no observation made hereinabove would influence the trial of the suit or any other proceeding pending before any other authority.

Order Date :- 13.12.2023

Jyotsana

(Kshitij Shailendra, J.) (Manoj Kumar Gupta, A.C.J.)