

Court No. - 21

Case :- WRIT - C No. - 39103 of 2023

Petitioner :- Smt. Prema Devi

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

Counsel for Petitioner :- Vinay Mishra, Mata Achal Mishra

Counsel for Respondent :- CSC, 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 commanding the respondents to pay compensation to the petitioner before demolishing his house for construction of under pass on Railway crossing on Andawan Kanihar Road.
2. The case of the petitioner is that he has not encroached any land and his construction exists over his own land. However, the respondents are threatening to demolish his house for constructing a Railway crossing.
3. Learned Standing Counsel on instructions states that the work in question is being carried out by Prayagraj Development Authority, Prayagraj and not by the State.
4. Sri Arun Kumar, learned counsel appearing on behalf of respondent no. 5, on instructions states that only a notice dated 11.10.2023 has been issued to the petitioner stating that he had raised constructions without sanctioned plan and which is going to affect widening of the road. He has been called upon to show cause. He submits that no action would be taken against the petitioner without following the procedure prescribed under law.
5. Having regard to the stand taken by learned counsel for the

P.D.A., we **dispose of** the instant petition by providing that the construction of the petitioner cannot be demolished except in accordance with law. In case any land of the petitioner is required by the respondents for widening of the road the same can only be taken on basis of amicable settlement or after formal acquisition.

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

Order Date :- 9.11.2023

Ruhi H.