

Court No. - 21

Case :- WRIT - C No. - 38707 of 2023

Petitioner :- Krishna Murari Rai

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

Counsel for Petitioner :- Dipendra Kumar, Pradeep Kumar Rai, Rahul Kesarwani

Counsel for Respondent :- CSC

Hon'ble Manoj Kumar Gupta, Acting Chief Justice
Hon'ble Donadi Ramesh, J.

1. Prayer made in the instant petition is for a direction to the respondents to pay compensation to the petitioner in lieu of having taken over 83.15 'kadi' land from Khata No. 715, Village Shahroj, Tehsil Maunath Bhanjan, District Mau, belonging to the petitioner.

2. Sri Rajiv Gupta, learned Additional Chief Standing Counsel is in receipt of written instructions and the same has been placed on record. Perusal thereof reveals that by award dated 31.01.1990, compensation was determined for the land acquired for construction of approach road to the embankment of 'Tamsa' river wherein the petitioner was paid compensation for 0.020 acre i.e. 20 'kadis'. The petitioner thereafter obtained information from the respondents under the Right to Information Act, 2005 wherein he was informed that an additional area of 0.145 hectare of his land got affected by construction of road in view of change of alignment. The petitioner is praying for compensation for the said area but according to respondents, there is mistake in the answer given to the petitioner in response to the RTI application. In fact the area affected was 0.145 acre but it got transcribed as 0.145 hectare and the petitioner, taking advantage of the same, is claiming compensation for 83.15 'kadis' for which he is not entitled. However, it is not disputed that compensation for additional land, which got affected, has not been paid to the petitioner so far.

3. We are of the opinion that the matter requires consideration by the District Level Committee in terms of Government Order dated 12.05.2016, who will determine not only the area which got affected, but also the compensation amount payable to the petitioner.

4. Accordingly, without expressing any opinion on the merits of the case, petition is disposed of with liberty to the petitioner to make a fresh representation along with true attested copy of the instant order before the respondent no. 3 and in which event, he will forward the same to the Chairperson of District Level Committee for being decided in accordance with law within next twelve weeks after notice and opportunity of hearing to the petitioner.

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

Order Date :- 11.12.2023

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