Court No. - 21

Case :- WRIT - C No. - 39428 of 2023

Petitioner :- Keshav Kumar Dubey
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Ram Krishna Dubey
Counsel for Respondent :- C.S.C.,Pawan Kumar Mishra

Hon'ble Manoj Kumar Gupta,J.
Hon'ble Donadi Ramesh,J.

1. The instant petition has been filed praying for a writ of mandamus directing respondent no.3 i.e Special Land Acquisition Officer, District Bhadohi to decide the application of the petitioner dated 5.01.2023 in which the petitioner has prayed that compensation amount for the acquired land should not be released in favour of Ram Kumar S/o Vijay Shanker with whom litigation is pending before the civil court between the parties.

2. It seems that a public notice was issued by respondent no.3 to one Manoj Kumar S/o Jata Shanker purportedly under Section 33 G of the National Highways Act, 1956 for hearing on 3.10.2022.

3. Learned counsel appearing for NHAI points out that the acquisition is by the Public Works Department and not by NHAI.

4. It is wholly inexplicable as to how notice was issued under the National Highways Act, 1956. Moreover, there is no such provision as Section 33 G under the said Act. It is for respondent no.3 to examine the said aspects and issue proper notice. If decision, as contemplated, has yet not been taken and any objection is filed by the petitioner, it shall be considered in accordance with law.

5. The petition stands disposed of accordingly.

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

Order Date :- 16.11.2023
SL

Digitally signed by :-
SHYAM LAL
High Court of Judicature at Allahabad