

Court No. - 21

Case :- WRIT - C No. - 39897 of 2023

Petitioner :- Udayveer Sharma

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

Counsel for Petitioner :- Anil Kumar Shukla, Shivam Shukla

Counsel for Respondent :- C.S.C., Aditya Bhushan Singhal, Satish Chaturvedi

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. Heard Sri Anil Kumar, learned counsel for the petitioner, Sri Rajiv Gupta, learned Additional Chief Standing Counsel for the State-respondents, Sri Prem Prakash Srivastava, learned counsel for respondent no.4 and Sri Shadab Hussain, holding brief of Sri Aditya Bhushan Singhal, learned counsel for respondent no.5.

2. The instant petition has been filed for a direction to the respondents to refund Rs. 20,17,779/- deducted on 8.10.2023 from the account of the petitioner at State Bank of India Branch, Collectorate Compound, Greater Noida, District Gautam Buddha Nagar.

3. The admitted facts are that the State-respondents issued a notification on 18.11.2022 under Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the Act) followed by declaration under Section 19 of the Act dated 18.04.2023 for acquisition of the land of the petitioner and other adjoining lands for construction of international airport at Jewar. On 22.6.2023, award was made by the Collector in exercise of power under Section 23 of the Act. The Additional District

Magistrate i.e. the Competent Authority, after making enquiry, transferred a sum of Rs. 3,64,98,273/- in the bank account of the petitioner treating his share to be 1/6th in the plot in dispute. Thereafter, one Sanjay son of Meharchand set a claim on basis of certain old sale-deeds for an area measuring 228.23 square meters. The instructions furnished by the State-respondents to learned Standing Counsel mentions that upon claim being made by Sanjay son of Meharchand in respect of 228.23 square meters, which represents a sum of Rs. 20,17,779/- in terms of compensation amount, the State-respondents issued advice to the bank to deduct the said amount from the amount of Rs. 3,64,98,273/- transferred to his account. Consequently, the bank debited the said amount from his account.

4. Learned counsel for the petitioner submitted that once the amount was transferred to his account, the respondents were not justified in making any deduction or in withdrawing any amount from the account of the petitioner. However, he is not in a position to dispute that Sanjay son of Meharchand had also purchased some area in the same land and thus had a share therein.

5. Sri Prem Prakash Srivastava, learned counsel for the respondent states that bank has deducted the amount in pursuance of the advice issued by the State-respondents.

6. It is evident from the facts narrated above that there is dispute between the parties relating to apportionment of compensation. The same is, therefore, required to be referred to the Authority in terms of Section 76 of the Act.

7. We, therefore, dispose of the instant petition with direction to the Collector to refer the dispute to the Authority within two weeks

from the date of communication of the instant order. The Authority will decide the reference, as expeditiously as possible, after due notice of hearing to all the claimants.

(Donadi Ramesh, J.)

(Manoj Kumar Gupta, ACJ.)

Order Date :- 8.12.2023

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