

Court No. - 21

Case :- WRIT - C No. - 39956 of 2023

Petitioner :- Kersie Adi Merchant

Respondent :- Uttar Pradesh Metro Rail Corporation Ltd. And
Another

Counsel for Petitioner :- Suchita Mehrotra, Kartikeya Saran

Counsel for Respondent :- C.S.C., Adarsh Bhushan

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

1. The instant petition has been filed praying for a writ of mandamus commanding the respondents to duly take into account the cost of construction and maintenance cost of the building and other factors and enhance the compensation already determined by them in pursuance of order dated 20.03.2023 passed by this Court in the previous writ petition of the petitioner (Writ C No. 7582 of 2023). The petitioner has also made prayer for a direction to the respondents to decide his representation dated 14.10.2021 made in this behalf.

2. It seems that possession of the factory of the petitioner was taken over by U.P. Metro Rail Corporation Limited for constructing an underground line. The previous writ petition aforesaid was filed by the petitioner for a restraint order against the respondents for not taking any coercive action against him without providing opportunity of hearing. The said writ petition was disposed of with direction to the District Magistrate, Kanpur Nagar to decide the representation of the petitioner in accordance with law after providing opportunity of hearing to all the stakeholders. In compliance of the said order, the District Magistrate determined the compensation amount as Rs. 27,07,000/- and the said amount

has been received by the petitioner under protest as the petitioner claims that he was not heard while determining the compensation amount despite specific order of the Court. It is submitted that the respondents have calculated the compensation without taking into account relevant factors. The petitioner has already represented in this behalf on 14.10.2023.

3. Sri Kartikeya Saran, learned counsel appearing on behalf of the petitioner submits that the respondent no.2 be directed to decide the representation dated 14.10.2023, in which the petitioner has highlighted various factors, which had not been taken into consideration while determining the compensation amount.

4. Sri Adarsh Bhushan, learned counsel appearing on behalf of respondent no.1 and Sri Rajiv Gupta, learned Additional Chief Standing Counsel appearing on behalf of respondent no.2 have no objection to the same.

5. Accordingly, without expressing any opinion on merits, the petition stands disposed of with direction to respondent no.2 to decide the application of the petitioner dated 14.10.2023 within six weeks from the date of communication of the instant order after hearing the petitioner or his authorized representative.

(Donadi Ramesh, J.)

(Manoj Kumar Gupta, ACJ.)

Order Date :- 4.12.2023

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