

Court No. - 21

Case :- WRIT - C No. - 40258 of 2023

Petitioner :- Surendra Prasad And 6 Others

Respondent :- Union Of India And 5 Others

Counsel for Petitioner :- Devendra Kumar,Babu Lal Ram

Counsel for Respondent :- A.S.G.I.,C.S.C.,Kiran Bala

Hon'ble Manoj Kumar Gupta,Acting Chief Justice

Hon'ble Kshitij Shailendra,J.

1. Heard learned counsel for the petitioners, Shri Rajiv Gupta, learned Additional Chief Standing Counsel for the State-respondents and Ms. Kiran Bala, learned counsel for Union of India.
2. The case of the petitioners is that the respondents have taken possession of some excess land than what was acquired for purposes of widening of a National Highway. They are not being paid compensation for the said land.
3. The prayer made in the instant petition is for a direction to the respondents not to dispossess the petitioners and to pay compensation to them in accordance with law. The petitioners have also prayed for a direction to the respondents to carry out demarcation of their land.
4. Counsel for the petitioners submits that the respondents after executing the project realized that they need some additional land and, in respect of which, fresh proceedings for acquisition have been initiated. However, in respect of the land of the petitioners which is also getting affected, so far no step has been taken for compulsory acquisition nor any compensation has been paid.
5. Shri Rajiv Gupta, learned Additional Chief Standing Counsel appearing on behalf of the State- respondents is in receipt of the instructions, according to which, the respondents have not acquired the subject land of the petitioners. He submits that the land of the petitioners is not getting affected.
6. It is clear from rival submissions that there is dispute between the parties as to whether the land of the petitioners is also getting affected by the widening of the National Highway or not.

7. This, in our considered opinion, will have to be decided by the District Level Committee in terms of the Government Order dated 12.05.2016.

8. Shri Rajiv Gupta very fairly states that the Committee may be directed to decide the claim of the petitioners.

9. Accordingly, without expressing any opinion on merits, the writ petition is **disposed of** with liberty to the petitioners to make a fresh representation alongwith true attested copy of the instant order before respondent no.4-District Magistrate, Sant Kabir Nagar within two weeks. He shall transmit the representation to the Chairperson of the District Level Committee for being decided in accordance with law within next twelve months after proper survey and opportunity of hearing to the petitioners.

Order Date :- 13.12.2023

Jyotsana

(Kshitij Shailendra, J.) (Manoj Kumar Gupta, A.C.J.)