

Court No. - 21

Case :- WRIT - C No. - 41234 of 2023

Petitioner :- Smt. Mithlesh And 2 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Anil Kumar Dubey, Chandra Bhan Dubey

Counsel for Respondent :- C.S.C., Anjali Upadhya

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. The instant petition has been filed challenging the order dated 10.02.2014 passed by respondent no. 3. The petitioners have also prayed for a writ of mandamus directing the respondents to forthwith lease back their 1/5th share in Khata No. 184, Gata No. 469, Area 1.2390 hectares of revenue village Bisrakh (Jalalpur), Pargana and Tehsil Dadri, District Gautam Budh Nagar.

2. The aforesaid land of the petitioners was acquired by issuing notification under Section 6 of the Land Acquisition Act, 1894 (for short, 'the Act') dated 30.06.2008.

3. Ms. Anjali Upadhya, learned counsel appearing on behalf of the Noida Authority submits that the award was made on 12.08.2011. The notification under Section 6 of the Act was the subject matter of Full Bench Judgement in **Gajraj and others vs. State of U.P. and other** reported in **2011 (11) ADJ 1**. The mother of the petitioners, namely, Premwati filed a Writ No. 66652 of 2013 before this Court praying for lease back of acquired land of *Khasra* No. 469. The writ petition was disposed of with direction to Greater Noida Authority to examine the claim of the petitioner in light of Full Bench judgment in **Gajraj (supra)**. In pursuance thereof, the impugned order was passed on 10.02.2014 holding that as per Government Order dated 24.04.2010, lease back of acquired land is possible if the same is not required by the acquiring body and is lying unused. The case of the petitioner was examined in light of the policy by a Committee constituted for examining such claims. The Committee did not find the claim to be sustainable, as the land was required for planned development. The order also mentions that as per extant policy, 6% developed land, subject to maximum of 2500 sq. meter, is allotted to the affected tenure-holders and which the claimant would be entitled

to. However, the claim in respect of lease back was rejected.

4. The petitioner, despite full knowledge of the impugned decision, did not challenge the same for last ten years and has now filed the instant petition.

5. We find that the challenge is highly belated and barred by laches and, therefore, we decline to re-open the controversy at this distance in time.

6. The petition is, accordingly, **dismissed**.

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

Order Date :- 30.11.2023

Brijesh Maurya