Court No. - 46

Case :- WRIT - C No. - 40931 of 2023

Petitioner :- Rupendra Kishore Panday
Respondent :- Union Of India And 5 Others
Counsel for Petitioner :- Vinay Kumar
Counsel for Respondent :- A.S.G.I.,C.S.C.

Hon'ble Ashwani Kumar Mishra,J.
Hon'ble Syed Aftab Husain Rizvi,J.

Heard learned counsel for the petitioner, learned Standing Counsel for the State and Sri Prem Chandra Prasad appeared for the Union Government and the National Highway Authority of India.

Petitioner claims to be the owner of Plot No.278/317 area 101.2 square meter situated at village Katariya, Pargana Ralhupur, District- Chandauli. His grievance is that though his land was not acquired yet the authorities of State have demolished his boundary wall and the land owned by the petitioner has been utilized for the construction of road. It is submitted that representations have been made to the authorities for payment of compensation to the petitioner but no decision in that regard has been taken.

Learned State Counsel states that such claim of the petitioner can be examined by the third respondent at the first instance.

Whether or not petitioner's land has been utilized for road widening, is an aspect to be determined by the Competent Authority of the State. The question as to whether the land has been subjected to compulsory acquisition for the National Highway Authority, is also an aspect which can be examined by the third respondent at the first instance.

In the facts of the case, we permit the petitioner to approach the

third respondent annexing all materials in support of this case. It shall be open for the third respondent to refer the matter to any other competent forum, which may have been created for adjudication of such matters. The authorities shall, however, ensure that grievance of the petitioner is got examined by the competent forum and appropriate orders in that regard would be passed within a period of three months from the date of presentation of a certified copy of this order before the third respondent. Petitioner is at liberty to annex all materials, in support of his claim along with the representation in terms of the above direction. All consequential action in terms of the adjudication would be taken without any unnecessary lapse of time.

Order Date :- 28.11.2023

SP/-

Digitally signed by :-
SANDEEP PAL
High Court of Judicature at Allahabad