

Court No. - 21

Case :- WRIT - C No. - 41518 of 2023

Petitioner :- Smt. Nuriya And 7 Others

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Rakesh Kumar Srivastava

Counsel for Respondent :- CSC,Aditya Bhushan Singhal

Hon'ble Manoj Kumar Gupta,Acting Chief Justice

Hon'ble Donadi Ramesh,J.

1. The instant petition has been filed praying for a direction to respondent no.3 not to release compensation amount in favour of private respondents in respect of the acquired land comprising of Plot No.665, area 0.0843 hectare, Village Kureba, Pargana and Tehsil Jewar, District Gautam Budh Nagar till disposal of Misc. Application No.26 of 2020 by Civil Judge (Senior Division), Gautam Budh Nagar.

2. The case of the petitioners is that there is serious dispute of title between them and the private respondents. The private respondents have succeeded in obtaining an exparte decree from the civil court. The petitioners' application for recall of the exparte decree is pending. The petitioners also filed application under Section 18/30 of the Land Acquisition Act, 1894 before the Tehsildar/Chairman, Yamuna Expressway Industrial Development Authority, Gautam Budh Nagar. However, respondent no.3 is in great hurry to release the money in favour of the private respondents, as is evident from notice dated 3.11.2023.

3. Sri Sadab Hussain holding brief of Sri A.B. Singhal, learned counsel appearing on behalf of respondent no.2 submits that the dispute relating to apportionment has to be decided by respondent no.3 and not by Tehsildar or by the Chief Executive Officer, Yamuna Expressway Industrial Development Authority before whom the petitioners have filed the application.

4. Learned counsel for the petitioners could not dispute the said legal position.

5. In case there is dispute relating to apportionment or the person entitled to withdraw compensation, the remedy of the petitioners is to approach Competent Authority and raise dispute before him. That having not been done so far by the petitioners, we are not inclined to issue any direction, but we leave it open to the

petitioners to raise dispute before the Competent Authority in accordance with law and in which event, it goes without saying that the Competent Authority shall proceed in the matter strictly in accordance with law.

6. The petition stands disposed of accordingly.

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

Order Date :- 2.12.2023

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