

Court No. - 21

Case :- WRIT - C No. - 41995 of 2023

Petitioner :- Rakesh Kumar And 2 Others

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Pankaj Dubey, Rishu Mishra

Counsel for Respondent :- C.S.C., Kaushalendra Nath Singh

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. The instant petition has been filed for the following reliefs:

"To issue writ, order or direction in the nature of mandamus commanding the Respondent no. 2 for allotment of 5% Abadi Land in lieu of petitioners acquired land i.e., Khasra Nos. 102/4 area 0.0992 Hect., Khasra No. 73 area 0.8480 Hect., Khasra No. 113/3 area 0.0635 Hect., Khasra No. 113/1 area 0.0207 Hect, and 63 area 0.7330 Hect. and 102 M area 0.8066 Hect. of revenue Village Begampur, Pargana Dadri, Tehsil Sadar, District Gautam Buddh Nagar.

To issue writ, order or direction in the nature of mandamus commanding the Respondent no. 3 to decide the representation made by the petitioners on 10/12.06.2023."

2. Sri Kaushalendra Nath Singh, learned counsel appearing on behalf of Noida Authority points out that the petitioner was paid entire compensation as admitted in para 8 of the writ petition. He tried to contend that the reliefs claimed in the petition are not admissible to the petitioner.

3. Learned counsel for the petitioner submits that the claim of the petitioner is covered by the judgment of Supreme Court in ***Ramesh Chandra Sharma & Others vs. State of U.P. & Others; 2023 SCC OnLine SC 162.***

4. Sri Kaushalendra Nath Singh submits that since the petitioner has already withdrawn entire compensation and therefore he is not entitled to benefit of the said judgment. He further submits that the Authority if so directed will still consider the claim of the petitioner and pass a speaking order.

5. Accordingly, without expressing any opinion on merits the petition is **disposed of** with liberty to the petitioner to make representation to Noida Authority alongwith true attested copy of the instant order. The representation will be decided by the Authority within eight weeks from the date of receipt of representation alongwith copy of the instant order.

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

Order Date :- 6.12.2023

Ankit.