

Court No. - 9

Case :- WRIT - C No. - 4044 of 2023

Petitioner :- Radhey Lal And Another

Respondent :- Prin. Secy. Housing Deptt. Civil Sectr. Lko. And Others

Counsel for Petitioner :- Deep Narayan Tripathi

Counsel for Respondent :- C.S.C., Krishna Kumar Pandey, Ratnesh Chandra

Hon'ble Dinesh Kumar Singh, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard Mr. Deep Narayan Tripathi, learned counsel for the petitioners, Mr. Rahul Shukla, learned Additional Chief Standing Counsel, representing respondent nos.1 and 2-State Authorities, and Mr. Krishna Kumar Pandey, learned counsel for respondent no. 3-Lucknow Development Authority.

2. The present petition under Article 226 of the Constitution of India has been filed for issuance of a direction to restrain the respondents from demolishing house of the petitioner constructed over the land bearing Khasra No.223 situated at Village Makhdumpur, Pargana and District Lucknow, which was acquired vide Notification dated 05.09.2000 under Section 4 of The Land Acquisition Act, 1894 (for short "Act, 1894")

3. The possession of the property in question was taken, invoking the provisions of Section 17 of the Act, 1894, and compensation was also paid in the year 2008 pursuant to award dated 13.12.2008. Despite the payment of compensation and acquisition of the property, till date the Authority has not been able to take possession over the land in question from the person, in whose name the land was recorded in the revenue record.

4. The learned counsel for the petitioner submits that he had purchased the land from the actual owner and constructed the house. Once the acquisition proceedings got finally concluded, and the compensation was paid, neither the original owner nor the subsequent purchaser have any right, title or interest over the land in question. After payment of amount of the compensation, the land in question vests in Government and the Government or its Authority concerned is the owner thereof. Hence, we find no ground to interfere with the effort of the authority to take possession of the property in question pursuant

to the acquisition, which got concluded way-back in the year 2008.

5. However, at this stage, learned counsel for the petitioner submits that there is a scheme of the Lucknow Development Authority regarding rehabilitation of the person, whose property has been acquired, and he has moved an application for his rehabilitation. If such an application has been moved, the same should be considered in accordance with law/policy of the Department expeditiously.

6. With the aforesaid observation, this petition stands ***finally disposed of***.

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[S.Q.H. RIZVI, J.] [D.K. SINGH, J.]

Order Date :- 21.6.2023

MVS/-