

Court No. - 3

Case :- WRIT - C No. - 2264 of 2006

Petitioner :- Mohd.Hasan And 2 Others

Respondent :- State Of U.P.Through Secretary Nagar Vikas And 3 Others

Counsel for Petitioner :- L.B.Rai,Askari Husain,Dinesh Kumar
Mishra,Harshit Singh,Kamal Kant Singh,Rajendra Pratap Singh

Counsel for Respondent :- C.S.C.,Mukund Tewari

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

Heard learned counsel for the parties and perused the record.

Petitioners have approached this Court challenging the notification dated 12.11.1981 and notification dated 30.07.1983 issued under Section 4, 6 and 17(1) and 17(4) of the Land Acquisition Act as well as the award dated 22.09.1986.

The writ petition was filed in the 2006 and admittedly there was delay of 24 years in filing the writ petition. In the counter affidavit Lucknow Development Authority has specifically stated that out of 31 Bighas of land, petitioners have fully taken compensation of 17 Bighas of land and thereafter they have also filed application under Section 28-A of the Land Acquisition Act for the enhancement of compensation. The said enhanced compensation has also been paid to the petitioners. It is further stated in the counter affidavit that the possession of the entire land was taken over by the State and handed over to the Lucknow Development Authority on 23.03.1995.

In view thereof, due to inordinate delay on part of the petitioners in filing the present writ petition as well as the fact that after filing the petition, the petitioners have accepted the compensation of major portion of land, therefore, this Court is not inclined to exercise its discretionary jurisdiction under Article 226 of the Constitution of India.

Accordingly, the writ petition is dismissed.

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[Manish Kumar,J.] [Vivek Chaudhary,J.]

Order Date :- 16.10.2023

S. Kumar