

Court No. - 2

Case :- WRIT - C No. - 4918 of 2023

Petitioner :- Smt. Chandra Kanti Sinha

Respondent :- State Of U.P. Thru. Addl. Chief/Prin. Secy.
Urban Development Sectr. Lko. And Others

Counsel for Petitioner :- Rahul Mishra, Rakesh Kumar
Srivastava, Sr. Advocate

Counsel for Respondent :- C.S.C.

Hon'ble Rajan Roy, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Instructions placed today is taken on record.
2. This petition has been filed by the petitioner seeking the following reliefs:-

"(i) to issue an order, direction or writ in the nature of mandamus commanding upon the Opposite Parties not to proceed with the acquisition process in respect of the property in question of the Petitioner till the completion of Demarcation/Survey proceedings being carried out by the Demarcation Officer, Ayodhya,

(ii) to issue an order, direction or writ in the nature of mandamus commanding upon the Opposite Parties not to proceed with proposal of acquisition of the land in question of the Petitioner until Circle rate is determined by the Collector, Ayodhya in terms of Sec.4(1) of the U.P. Stamp (Valuation of Property) Rules, 1997 and determination of amount of Compensation is calculated by him under Section 27 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(iii) To issue an order, direction or writ in the nature of mandamus commanding upon the District Magistrate/Collector, Ayodhya, O.P. No. 4 to revise the D.M. Circle rate of the concerned area in accordance with Sec. 4(1) of the U.P. Stamp (Valuation of Property) Rules, 1997,

(iv) To issue an order, direction or Writ in the nature of

mandamus commanding upon the O.Ps. not to initiate the process of acquisition until the demarcation/survey proceedings are finalised by the Commissioner, Ayodhya under U.P. Urban Area Zamindari Abolition and Land Reforms Act, 1956."

3. The contention of the petitioner's counsel is that without acquiring the land and/or without purchasing it, the officials of the Public Works Department are entering into the bhumidhari land of the petitioner encroaching upon it and interfering in the petitioner's peaceful possession.

4. Sri Rahul Shukla, Additional Chief Standing Counsel has received written instructions from the Assistant Engineer, Construction Division, Lok Nirman Vibhag, Ayodhya to the effect that for widening of the road a survey is to be conducted or is being conducted but so far as the petitioner's land is concerned, no survey has been conducted as yet. As and when the survey would be conducted a proposal would be sent for purchase or requisition of the land and thereafter, the widening will take place.

5. Counsel for the petitioner, on the other hand, says that the instructions are incorrect, in fact the officials are entering on the land of the petitioner.

6. In these circumstances, this petition is **disposed of** with direction/observation that the opposite parties shall not start any construction work on the land of the petitioner unless it is purchased or acquired in accordance with law. As far as survey of the land is concerned, the same can be conducted as per law but after intimation to the petitioner and without in any manner damaging the crop, if any, existing on the land or otherwise adversely affecting the possession of the petitioner.

Order Date :- 23.6.2023

Saurabh Yadav/-