

Court No. - 1

Case :- WRIT - C No. - 10554 of 2023

Petitioner :- Nand Lal And Others

Respondent :- Union Of India Thru. Secy. Road And Transport Ministry Of National Highways , New Delhi And Others

Counsel for Petitioner :- Hanumant Lal Yadav

Counsel for Respondent :- A.S.G.I.,C.S.C.,Sarvesh Kumar Dubey

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

1. Heard learned counsel for the petitioners, Shri Ashwani Kumar Singh, learned counsel appearing on behalf of respondent No.1- Union of India, Shri Sarvesh Kumar Dubey, learned counsel for respondent No.2 and learned Standing Counsel for State-respondent Nos.3, 4.

2. By means of the instant writ petition, the petitioners seek a writ of mandamus commanding/directing the opposite party No.4 to make the payment of remaining amount of compensation of the land bearing gata No.35 measuring area 0.2160 hectare situated in Village Kothara Kala, Pargana Chanda, Tehsil Lambhua, District Sultanpur, with admissible interest. The land in question was acquired for public purpose.

3. A civil suit between the petitioners and respondent No.5 is pending before the competent civil Court. It is on this account that the residual compensation in lieu of the land in question has not been released in favour of the petitioners. Petitioners are

already the party to the suit which was instituted after part payment.

4. In these circumstances, the petitioners may be well advised to pursue their rights before the competent Court and based on the judgement rendered, if any, the compensation may accordingly be claimed before the competent authority. The petitioners have asserted their claim on the strength of some will which the other party has questioned in the civil suit.

5. With the aforesaid observation, the writ petition stands **disposed of.**

(Om Prakash Shukla, J.) (Attau Rahman Masoodi, J.)

Order Date :- 5.12.2023
Shubhankar