

Court No. - 3

Case :- WRIT - C No. - 11109 of 2023

Petitioner :- Ram Kishor

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Housing And Urban Planning Civil Sectt. Lko And Others

Counsel for Petitioner :- Rajesh Kumar Awasthi, Bhupendra Kumar Bajpai

Counsel for Respondent :- C.S.C., Naresh Chandra Mehrotra, Ratnesh Chandra

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

Heard learned counsel for petitioner, Sri N.C. Mehrotra, learned counsel for respondent no.4 & 5, Sri Kumar Ayush, learned counsel for respondent no.3 and learned standing counsel for State.

Present writ petition is filed by the petitioner claiming that possession of part of his land was taken by the Lucknow Development Authority and handed over to Raj Krishi Utpadan Mandi Parishad. The same was done without paying any compensation to him or taking any permission for acquisition. Thus, he filed a petition bearing Writ-C No.8231 of 2023 which was finally disposed of 22.11.2022. Relevant directions given in the said order reads as follows:-

"In these circumstances, we hereby direct the State to undertake the requisite exercise of demarcation and the land transferred to the Mandi Parishad on being found in excess is also directed to be settled either by payment of compensation or by returning the same to the lawful owner as per revenue record. The Principal Secretary, Housing and Urban Development shall monitor the exercise of demarcation and settlement in the light of revenue record with the aid of district revenue authorities. The petitioner shall also be associated in the process of demarcation.

This exercise shall be completed not later than a period of two months from today.

This order has been passed in presence of the learned counsel for the parties.

The writ petition stands disposed of accordingly."

As per aforesaid order, petitioner is paid an amount of Rs.4,47,66,000.00/-. Petitioner disputes calculation of the said amount and submits that more compensation is to be paid to him including interest.

Learned counsel for petitioner submits that grievance of petitioner would be sufficiently met in case representation of petitioner for the said purposes is considered and decided by State Government in a time bound manner.

Learned counsel for respondents have no objection to the same.

In view thereof, petitioner is permitted to make a fresh detailed representation to respondent no.1 Principal Secretary, Department of Housing and Urban Planning, Civil Secretariat, Lucknow, raising all his grievance, annexing therewith all the documents in support of his claim within a period of two weeks from today along with a certified copy of this order.

In case such a representation is moved by petitioner, respondent no.1 shall consider and decide the same in accordance with law by a reasoned and speaking order within a period of two months from the date a certified copy of this order along with representation is placed before him.

It is made clear that this court has not applied itself on the merits of the case and all questions are left open to be considered and decided by the competent authority in accordance with law.

With the aforesaid directions, the writ petition is **disposed of**.

Order Date :- 19.12.2023

Arti/-

[Manish Kumar,J.]

[Vivek Chaudhary,J.]