

Court No. - 20

Case :- FIRST APPEAL DEFECTIVE No. - 176 of 2013

Appellant :- Lucknow Development Authority Throu Its Secy.

Respondent :- Rameshwar Prasad Deceased Thro. Legal Representative And Anr.

Counsel for Appellant :- A.K.Ashtana, Ajay Kumar Singh

Counsel for Respondent :- Vijay Kumar Srivastava

Hon'ble Manjive Shukla, J.

1. Heard Sri Ajay Kumar Singh, learned counsel appearing for the appellant and Sri V.K. Srivastava, learned counsel appearing for the Respondent No.2.

2. Appellant Lucknow Development Authority through this First Appeal has challenged the order dated 22.12.2012 passed by the Presiding Officer, Nagar Mahapalika Tribunal/Additional District Judge, Lucknow in Misc. Case No.3 of 1999. Vide order dated 22.12.2012 compensation has been determined to the tune of Rs.5 per sq. ft. for the land of the respondents acquired by the State for the Lucknow Development Authority.

3. Sri V.K. Srivastava, learned counsel appearing for the respondents has placed before this court judgment and order dated 11.10.2012 passed by the Division Bench of this court in First Appeal No.4 of 1998, Lucknow Development Authority Vs. Ravindra Nath Singh and others and other connected First Appeals whereby the same award of compensation relating to same village under the same scheme has been enhanced to the tune of Rs.5.10 per sq. ft. It has further been submitted that aforesaid judgment and order dated 11.10.2012 passed in First Appeal No. 4 of 1998 has been complied with by the Lucknow Development Authority and has not been challenged before any higher forum. Learned counsel appearing for the respondents has thus submitted that since they have not filed any appeal for enhancement of compensation awarded in the reference proceedings therefore, they may be entitled for Rs.5 per sq. ft.

4. Learned counsel appearing for the appellant at this stage has admitted that aforesaid judgment and order dated 11.10.2012 passed in First Appeal No.4 of 1998 and connected First Appeals is related to the same award of same village pertaining to same scheme and aforesaid judgment and order dated 11.10.2012 has already been complied with by the Lucknow Development Authority. Learned counsel appearing for the

appellant/Lucknow Development Authority has further submitted that he has no objection if this appeal is dismissed by maintaining the compensation awarded to the respondents in reference proceedings to the tune of Rs.5 per sq. ft.

5. In view of the aforesaid submissions made by learned counsel appearing for appellant/Lucknow Development Authority, this First Appeal is dismissed.

Order Date :- 19.3.2024

Salim