

Court No. - 7

Case :- WRIT - C No. - 814 of 2024

Petitioner :- Radhey Shyam Yadav

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Revenue Lko. And Others

Counsel for Petitioner :- Sanjay Kumar Yadav, Manoj Kumar Mishra

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

Hon'ble Manoj Kumar Gupta, Acting Chief Justice
Hon'ble Saurabh Lavania, J.

1. The instant petition has been filed praying for quashing of advertisement dated 01.12.2023 issued by the office of District Magistrate, Ambedkar Nagar giving details of various lands which are required by respondent No. 2 i.e. Uttar Pradesh Industrial Development Authority for industrial corridor project. The advertisement specifically mentions that the land specified therein would be purchased by the respondents. The land of the petitioner is also included in the said advertisement. The case of the petitioner is that his industrial unit exists over the land and therefore he is not willing to sell the same to the respondents. However, he is being compelled to transfer the same.

2. Learned counsel appearing for the State-respondents, Shri V.M. Shukla, very fairly states that the advertisement is only by way of a proposal. The State would purchase the land if the owner is willing to part with his land. He submits that in case purchase on basis of negotiation does not materialize, the only option with the government is to go for compulsory acquisition. Learned counsel for respondent No. 2, on the other hand, tried to contend that the advertisement is a preliminary notification under Section 11 of the Right to Fair Compensation and

Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. We have gone through the advertisement and we find that it does not fulfill the requirements of Section 11 of the Act. It is only in shape of a proposal for purchase of land on basis of mutual negotiations.

4. In view of stand taken by the State counsel, we **dispose of** the instant petition by providing that in case the petitioner does not accept the proposal for transfer of his land, he will not be compelled for the same. However, it will be open to the respondents to go for compulsory acquisition as per provisions of law.

Order Date :- 29.1.2024
Mukesh Kr.

(Saurabh Lavania,J.) (Manoj Kumar Gupta,A.C.J.)