



2025:AHC:161407-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 14353 of 2012

Gajendra And Others

.....Petitioner(s)

Versus

State of U.P. and Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shiv Kant Mishra
Counsel for Respondent(s)	:	Ramendra Pratap Singh

Court No. - 40

**HON'BLE SARAL SRIVASTAVA, J.
HON'BLE AMITABH KUMAR RAI, J.**

1. Heard learned counsel for the petitioners, learned Standing Counsel for the respondents No. 1 and 2 and Sri Kaushalendra Nath Singh, learned counsel for the respondents No. 3 and 4.

2. The relief sought in the writ petition is to the extent for issuance of writ of mandamus commanding the respondent to forthwith return lands of the petitioners being 1/2 share each in plot Nos. 32 area 0.4470 and plot no. 76 area 3.1890 situate in village Patwari Pargana and Tehsil Dadri, District Gautam Budh Nagar in terms of judgment and order of this Hon'ble Court dated 19.7.2011 (Annexure-5) after receiving compensation so paid to them for their aforesaid lands and also intimate the head under which the amount of compensation has to be deposited by the petitioners.

3. The claim of the petitioners is basically based on the judgment and order dated 19.7.2011 passed in **Writ-C No. 17068 of 2009 (Harkaran Singh Vs. State of U.P. & Ors.)**. The acquisition relates to Village Patwari, Pargana and Tehsil Dadri, District Gautam Budh Nagar for which notification under Section 4(1) read with Section 17(1) of the Land Acquisition Act, 1894 was issued on 12.3.2008 and a notification under Section 6 read with Section 17(4) of the Land Acquisition Act, 1894 was issued on 30.6.2008. The aforesaid notifications were the subject matter of challenge before the Hon'ble Court in the case of **Gajraj and others Vs. State of U.P. and others 2011 (11) ADJ (1) FB**, wherein the Hon'ble Court also take into consideration the judgment and order dated 19.7.2011 passed in Writ-C No. 17068 of 2009 (Harkaran Singh Vs. State of U.P. & Ors.). The Full Bench

after due consideration of all the material aspects and the legal arguments advanced summarized the relief of all the stakeholders in Paragraph No. 482 of the judgment of this Court in the case of Gajraj (supra) which is extracted as under :-

"In view of the foregoing conclusions we order as follows:

1. The Writ Petition No. 45933 of 2011, Writ Petition No. 47545 of 2011 relating to village Nithari, Writ Petition No. 47522 of 2011 relating to village Sadarpur, Writ Petition No. 45196 of 2011, Writ Petition No. 45208 of 2011, Writ Petition No. 45211 of 2011, Writ Petition No. 45213 of 2011, Writ Petition No. 45216 of 2011, Writ Petition No. 45223 of 2011, Writ Petition No. 45224 of 2011, Writ Petition No. 45226 of 2011, Writ Petition No. 45229 of 2011, Writ Petition No. 45230 of 2011, Writ Petition No. 45235 of 2011, Writ Petition No. 45238 of 2011, Writ Petition No. 45283 of 2011 relating to village Khoda, Writ Petition No. 46764 of 2011, Writ Petition No. 46785 of 2011 relating to village Sultanpur, Writ Petition No. 46407 of 2011 relating to village Chaura Sadatpur and Writ Petition No. 46470 of 2011 relating to village Alaverdipur which have been filed with inordinate delay and laches are dismissed.

2(i) The writ petitions of Group 40 (Village Devla) being Writ Petition No. 31126 of 2011, Writ Petition No. 59131 of 2009, Writ Petition No. 22800 of 2010, Writ Petition No. 37118 of 2011, Writ Petition No. 42812 of 2009, Writ Petition No. 50417 of 2009, Writ Petition No. 54424 of 2009, Writ Petition No. 54652 of 2009, Writ Petition No. 55650 of 2009, Writ Petition No. 57032 of 2009, Writ Petition No. 58318 of 2009, Writ Petition No. 22798 of 2010, Writ Petition No. 37784 of 2010, Writ Petition No. 37787 of 2010, Writ Petition No. 31124 of 2011, Writ Petition No. 31125 of 2011, Writ Petition No. 32234 of 2011, Writ Petition No. 32987 of 2011, Writ Petition No. 35648 of 2011, Writ Petition No. 38059 of 2011, Writ Petition No. 41339 of 2011, Writ Petition No. 47427 of 2011 and Writ Petition No. 47412 of 2011 are allowed and the notifications dated 26.5.2009 and 22.6.2009 and all consequential actions are quashed. The petitioners shall be entitled for restoration of their land subject to deposit of compensation which they had received under agreement/award before the authority/Collector.

2(ii) Writ petition No. 17725 of 2010 Omveer and others Vs. State of U.P. (Group 38) relating to village Yusufpur Chak Sahberi is allowed. Notifications dated 10.4.2006 and 6.9.2007 and all consequential actions are quashed. The petitioners shall be entitled for restoration of their land subject to return of compensation received by them under agreement/award to the Collector.

2(iii) Writ Petition No.47486 of 2011 (Rajee and others vs. State of U.P. and others) of Group-42 relating to village Asdullapur is allowed. The notification dated 27.1.2010 and 4.2.2010 as well as all subsequent proceedings are quashed. The petitioners shall be entitled to restoration of their land.

3. All other writ petitions except as mentioned above at (1) and (2) are disposed of with following directions:

(a) The petitioners shall be entitled for payment of additional compensation to the extent of same ratio (i.e. 64.70%) as paid for village Patwari in addition to the compensation received by them under 1997 Rules/award which payment shall be ensured by the Authority at an early date. It may be open for Authority to take a decision as to what proportion of additional compensation be asked to be paid by allottees. Those petitioners who have not yet been paid compensation may be paid the compensation as well as additional compensation as ordered above. The payment of additional compensation shall be without any prejudice to rights of land owners under section 18 of the Act, if any.

(b) All the petitioners shall be entitled for allotment of developed Abadi plot to the extent of 10% of their acquired land subject to maximum of 2500 square meters. We however, leave it open to the Authority in cases where allotment of abadi plot to the extent of 6% or 8% have already been made either to make allotment of the balance of the area or may compensate the land owners by payment of the amount equivalent to balance area as per average rate of allotment made of developed residential plots.

4. The Authority may also take a decision as to whether benefit of additional compensation and allotment of abadi plot to the extent of 10% be also given to ;

(a) those land holders whose earlier writ petition challenging the notifications have been dismissed upholding the notifications; and

(b) those land holders who have not come to the Court, relating to the notifications which are subject matter of challenge in writ petitions mentioned at direction No.3.

5. The Greater NOIDA and its allottees are directed not to carry on development and not to implement the Master Plan 2021 till the observations and directions of the National Capital Regional Planning Board are incorporated in Master Plan 2021 to the satisfaction of the National Capital Regional Planning Board. We make it clear that this direction shall not be applicable in those cases where the development is being carried on in accordance with the earlier Master Plan of the Greater NOIDA duly approved by the National Capital Regional Planning Board.

6. We direct the Chief Secretary of the State to appoint officers not below the level of Principal Secretary (except the officers of Industrial Development Department who have dealt with the relevant files) to conduct a thorough inquiry regarding the acts of Greater Noida (a) in proceeding to implement Master Plan 2021 without approval of N.C.R.P. Board, (b) decisions taken to change the land use, (c) allotment made to the builders and (d) indiscriminate proposals for acquisition of land, and thereafter the State Government shall take appropriate action in the matter."

4. The respondent no.3 while filing the short counter affidavit has specifically stated in Paragraph No.9 that the case of the petitioners are covered by the judgment of the Full Bench in the case of Gajraj (supra). Paragraph No.9 of the short counter affidavit of respondent no.3 is reproduced herein below:-

"9. That the notification and declaration of village Patwari has already been dealt by the Hon'ble Full Bench, the present writ petition is squarely covered with the judgment of Hon'ble Full Bench. The writ petition may also be disposed of in terms of judgment of the Hon'ble Full Bench. "

5. No rejoinder affidavit has been filed till date rebutting the assertion so made in the short counter affidavit, though the counter affidavit was filed way back in the year January, 2014.

6. In view of the above averments made in paragraph no.9 of the counter affidavit of respondent no.3, the writ petition is ***disposed off*** in light of the judgment of the Full Bench in the case of ***Gajraj (supra)***. There shall be no order as to costs.

September 11, 2025
Gaurav/SS

(Amitabh Kumar Rai,J.) (Saral Srivastava,J.)