Court No. - 3

Case :- WRIT - C No. - 22885 of 2020

Petitioner :- Dharam Pal Tyagi
Respondent :- State Of U.P.Thru.Addl.Chief Secy.Urban Planning Anddevpt.Andors
Counsel for Petitioner :- Akhilesh Kumar Kalra,Rajesh Chandra Mishra
Counsel for Respondent :- C.S.C.,Dharmendra Kumar Dixit,Dwijendra Mishra

Hon'ble Mrs. Sangeeta Chandra,J.
Hon'ble Shree Prakash Singh,J.

1. Learned counsel for the petitioner and learned C.S.C. for the State Respondents are present.

2. Learned counsel for the respondent, Raebareli Development Authority has not appeared to assist this Court.

3. Learned counsel for the petitioner has pointed out the relief clause as made in the writ petition and also the counter affidavit filed on behalf of the Raebareli Development Authority (hereinafter referred as 'RDA) and page 17(CA-02) thereof, wherein a report was submitted by a Committee to the Vice Chairman, RDA saying that land of the petitioner has been taken possession of and plotting has been done and allotment has also been made to various persons, who have raised their constructions over it. However, no acquisition notification for Gata No. 1044 was issued in the first place, therefore, no award has been declared for Gata No. 1044. The mistake on the part of the Special Land Acquisition Officer in treating the land as in banjar khata was also pointed out in the report submitted to the Vice Chairman, RDA.

4. It has also been submitted by the learned counsel for the petitioner that in pursuance of such report a committee was constituted to determine compensation to be paid to the petitioner for his land which was already in possession of the RDA and the subsequent allottees. The Committee has proposed that compensation be given to the petitioner in accordance with compensation already awarded to other tenure holders of land taken under the scheme Indira Nagar Vistar Yojna. A copy of such decision taken by the committee has been filed as annexure to the rejoinder affidavit.

5. Learned counsel for the petitioner has also pointed out the objections filed by the petitioner to such suggestion made by the Committee on 14.06.2022 saying that now since it has come through examination of record that no acquisition proceedings were undertaken for land of Gata No. 1044 and no award was also declared under the old Act of 1894, but possession was taken by the RDA, compensation should be given as per the new Act of 2013.

6. It has further been submitted that despite such objections being made by the petitioner on 14.06.2022, no decision has been taken till date by the Respondents / RDA.

7. We have gone through the counter affidavit filed by the RDA and also page-29 (CA-02) thereof. It is apparent that the land of the petitioner Gata Np. 1044 is in possession of the RDA since the time the acquisition proceedings for surrounding land for Indira Nagar Vistar Yojana were undertaken he has not been given compensation although the RDA has sold off the land of the petitioner by plotting made thereon to other allottees as well.

8. This Court is of the opinion that the land is in possession of the RDA since long and no acquisition for the same land was undertaken by the RDA, it will be appropriate for this Court to direct the RDA to treat the land in its possession of Gata No. 1044 to have been acquired under the new Act of 2013 and compensation be paid to the petitioner under the new Act of 2013.

9. Let such compensation be determined within a period of eight weeks from the date a copy of this order is produced before the Vice-Chairman, Raebareli Development Authority, Raebareli by the petitioner.

10. Accordingly, the writ petition stands ***disposed of.***

Order Date :- 4.7.2024
Darpan Sharma

Digitally signed by :-
DARPAN SHARMA
High Court of Judicature at Allahabad,
Lucknow Bench