2026:AHC:207722-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 40263 of 2026

Radhey Shyam

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Akash Singh, Shivam Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 29

HON'BLE SIDDHARTHA VARMA, J.
HON'BLE KUNAL RAVI SINGH, J.

1. Heard learned counsel for the petitioners and learned Additional Chief Standing Counsel for the State respondents.

2. The instant writ petition has been filed inter alia for the following relief:

> "*(A) Issue a writ, order or direction in the nature of Mandamus commanding the respondents particularly the District Magistrate Mathura to decide the representation dated 05.08.2026 and 26.08.2026 by passing reasoned and speaking order in accordance with law.*
> *(B) Issue a writ, order or direction in the nature of Mandamus commanding the respondents particularly, the Public Works Department, Mathura to pay compensation to the petitioner against Gata No.167 (22 kadi + 33 kadi) situated at Mauja- Chhatikara, Tehsil & District- Mathura in accordance with the prevailing market rate or in view of the provision of the Act, particularly Section 24 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.*"

3. At the very outset, learned Additional Chief Standing Counsel informed the Court that for redressal of grievance of tenure holders, claiming certain right/title over their land, the State Government had issued detailed Government Order dated 12.05.2016, which provides that in case the claimant files claim supported with requisite documents, the same would be considered by the District Level Committee for ensuring adequate compensation in the light of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short the 'Act 2013'). He submits that once the efficacious remedy is available to the petitioners, the matter should be relegated to

the District Level Committee, which may examine the claim of petitioner within a reasonable time and submit its report to the Chairman/District Magistrate, who may accord adequate compensation accordingly.

4. The position of law is well-established that in view of Article 300A and 31A of the Constitution of India, the owner of land can be divested only in accordance with law after appropriately compensating, if such land is required by the State for public purpose. Since such power of eminent domain is not in dispute, we need not advert the matter at this stage in view of Government order dated 12.05.2016.

5. Considering the facts and circumstances of the case and the relief prayed in the instant matter, we dispose of the instant petition with liberty to the petitioners to make fresh representation along with true attested copy of the instant order before District Level Committee constituted under the Government Order dated 12.05.2016 within two weeks. In the event, such representation is made, the District Level Committee shall consider the claim of the petitioners and ensure that the proceeding shall be finalised expeditiously, preferably within twelve weeks, thereafter.

(Kunal Ravi Singh,J.) (Siddhartha Varma,J.)

October 5, 2026
Irshad

Digitally signed by :-
IRSHAD AHMAD SIDDIQUI
High Court of Judicature at Allahabad