2026:AHC:208327

HIGH COURT OF JUDICATURE AT ALLAHABAD

FIRST APPEAL No. - 869 of 2026

Jamshed Ali And Another

.....Appellant(s)

Versus

District Goverment Counsel (Civil) And 9 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Pankaj Dubey, Rishu Mishra
Counsel for Respondent(s)	:	Sumit Suri

Court No. - 34

(SN.1)

HON'BLE ANISH KUMAR GUPTA, J.

1. Heard Sri H.N. Singh, learned Senior Advocate assisted by Sri Pankaj Dubey, learned counsel for the appellant, Sri Nipun Singh, learned Senior Advocate assisted by Sri Ravit Singh, Advocate holding brief of Sri Sumit Suri, learned counsel for the respondents no.2 and 3.

2. The instant appeal has been preferred by the appellants being aggrieved by an award dated 15.09.2026, passed by the Land Acquisition Resettlement and Rehabilitation Authority, Gautam Buddha Nagar, in Land Acquisition Reference No. 58 of 2022.

3. Briefly stated facts of the case are that the instant dispute pertains to one-half share of land situated in Gata No. 1121 area 4.7870 hectare situated at Village- Dayanatpur**,** Block and Tehsil- Jewar**,** District- Gautam Buddha Nagar.

4. The undisputed facts of the case are that aforesaid property originally belonged to one Juma Bux, who was having two sons, namely Ummed and Sultan. There was one more son, who had left the country and shifted to Pakistan. Thus, only two sons remained in India. After the death of Juma Bux, the aforesaid property came in equal proportion in the share of Ummed and widow of Sultan, namely Nisar Jahan**.** However, Sultan has predeceased Juma Bux. Thus, after the death of Juma Bux, the aforesaid property equally belonged to Ummed and widow of Sultan, namely Nisar Jahan. So far as one-half share belonging to Ummed, there is no dispute between the parties.

Thus, the dispute remains to the one-half share, which belonged to Nisar Jahan. The said Nisar Jahan had executed a sale deed on 02.01.1999 in favour of the respondents no. 2 and 3 and the aforesaid one-half share of the property, which was purchased by respondents no. 2 and 3 was later acquired by the Yamuna Expressway Industrial Development Authority (YEIDA) for the project of Noida International Greenfield, Jewar, vide notification under Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 Act (inshort *'the Act, 2013'*) on 13.10.2018. Notification under Section 19 of the Act was issued on 19.01.2019 and later the award was made on 06.05.2019. After the award was made, an objection was filed on behalf of the respondents no. 4 to 10, claiming that the aforesaid the respondents no. 2 and 3 had entered into an agreement to sell with respondents no. 4 to 10 with regard to one-half share of the property, thus, they are not entitled to receive compensation, but the respondents no. 4 to 10 herein are entitled for the compensation with respect to the said property. The appellants herein, who are the grandsons of said Ummed, has also filed an objection under Section 64 of the Act, 2013, claiming that after the death of Sultan, the said Nisar Jahan has solemnized Nikah with Ummed. Consequently, by operation of law, Ummed became the exclusive owner of one-half share of Nisar Jahan as well, being her husband, in view of Sections 171 and 172 of the U.P. Zamindari Abolition and Land Reforms Act, 1950 (inshort 'UPZA&LR Act').

5. By way of the impugned award, the claim of the appellants herein has been rejected on the ground that they have failed to establish the Nikah between Nisar Jahan and Ummed. Thus, it has been held that Nisar Jahan continued to be the owner of the said property and later she had executed the sale deed on 02.01.1999 in favour of the respondents no. 2 and 3 and the said sale deed has not yet been cancelled, though the suit for cancellation of the said sale deed was filed on behalf of the appellants herein, which was dismissed on 29.09.2018, against which a First Appeal has been filed before the Appellate Court, which was dismissed in default vide the order dated 12.05.2026, against which a Recall Application has been filed, which is pending before the Appellate Court.

6. It is also submitted by learned Senior Counsel that with regard to the mutation of the property, the mutation proceedings were also filed by the respondents no. 2 and 3, which were ultimately finalized vide order dated

03.02.2011 in favour of the respondents no. 2 and 3, against which the appeal and revision preferred by the appellants herein have also been dismissed.

7. Thus, in the instant case, it is undisputed that the sale deed was executed in favour of the respondents no. 2 and 3, which has not yet been cancelled. Rather, the suit filed for cancellation was dismissed and the appeal was also dismissed in default, though the Recall Application is pending and the mutation proceedings have also been successfully finalized in favour of the respondents no. 2 and 3. In such view of the matter, till the sale deed executed by Nisar Jahan is cancelled, the respondents no. 2 and 3 are having the ownership right of the one-half share of the property in question. In such view of the matter, the Land Acquisition Authority has rightly held that the respondents no. 2 and 3 are entitled to receive the compensation of their one-half share of the aforesaid property.

8. In the aforesaid facts and circumstances, this Court do not find any illegality in the findings so recorded by the Land Acquisition Authority. Accordingly, the instant appeal is ***dismissed*** under Order 41, Rule 11 CPC at the admission stage, without calling for the records of the Authority. .

October 6, 2026
Shubham Arya

(Anish Kumar Gupta,J.)

Digitally signed by :-
SHUBHAM ARYA
High Court of Judicature at Allahabad