HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 43287 of 2026

Chhakaudi Ram And Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Surendra Nath Dubey, Upendra Kumar Dubey
Counsel for Respondent(s)	:	C.S.C.

Court No. - 29

HON'BLE SIDDHARTHA VARMA, J.
HON'BLE VIVEK SARAN, J.

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

2. The instant writ petition has been preferred for a direction to respondents to provide the compensation to the petitioners in lieu of their land acquired for making construction of Primary School situated over Arazi No.1268 area 0.0470 in Mauza Lashkarpur, Pargana Katehar, Tehsil Sadar, Distt. Varanasi within stipulated period and for a direction to respondent no.2 to decide the application dated 15.09.2026 within stipulated period.

3. At the very outset, learned Standing Counsel informed to 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 petitioners 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.

(Vivek Saran,J.) (Siddhartha Varma,J.)

October 24, 2026
SP/

Digitally signed by :-
PRAVEEN KUMAR
High Court of Judicature at Allahabad