

ITEM NO.17

COURT NO.3

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL)..... Diary No(s).14523/2025

[Arising out of impugned final judgment and order dated 13-05-2019 in LA No.1001/2017 09-01-2025 in CMRAD No.234/2021 passed by the High Court of Judicature at Allahabad, Lucknow Bench]

VISHUN DEI

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(IA No.88649/2025 - CONDONATION OF DELAY IN FILING)

Date : 17-04-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) :Mr. Shri Narayan Shukal, Adv.
Mr. Gaurav Singh, AOR

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. Delay condoned.
2. The land of the petitioner measuring about 10 Biswa bearing Khasra No.322 situated in village Batha Sabauli, Paragana Tehsil and District Lucknow was acquired by the Uttar Pradesh Housing and Development Board under Section 28 of the U.P. Awas Evam Vikas Parishad Adhiniyam, 1965 (in short, the "1965 Adhiniyam"). The necessary notifications were issued in the year 1987 onwards, culminating into an award passed on 14.09.1998. The petitioner filed a writ petition in the year 2017 seeking a direction for

payment of compensation for the land measuring 6 Biswa in accordance with Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short, the "2013 Act"), namely, that the said acquisition stood lapsed and, thus, that piece of land could be acquired in accordance with provisions of 2013 Act. She also sought exemption of 4 Biswa of the plot from the acquisition process. The High Court dismissed the writ petition on 13.05.2019. The petitioner thereafter applied for review, which also came to be dismissed on 09.01.2025 *vide* the impugned order, giving rise to these proceedings.

3. The petitioner's claim primarily rests upon the view taken by this Court in C.A. Nos.990-991/2025 (Aasha Verma and Ors. vs. Commissioner Awas Evam Vikas Parishad, Uttar Pradesh and Ors.) decided on 24.01.2025. We, however, find that the aforesaid decision is not attracted to the facts of the case at hand, simply for the reason that in the present case the acquisition stood finalized on 14.09.1998. Contrarily, in Aasha Verma (supra), the notification under Section 32 of the 1965 Adhinyam, which was equivalent to Section 6 of Land Acquisition Act, 1894 (in short, the "1894 Act") was issued on 02.09.2017. Meanwhile, the 2013 Act had come into force and Section 24(1) of the 2013 Act deals with a situation where acquisition was initiated under the 1894 Act, but could not be finalized till the 2013 Act came into force. It is in light of the statutory mandate contained in Section 24(1) of the 2013 Act that the appellants in Aasha Verma (supra) were held entitled to compensation as per the 2013 Act.

4. Faced with this, learned counsel for the petitioner submits that no amount of compensation has been paid to the petitioner so far. If that is so, the petitioner may approach the Commissioner of Uttar Pradesh Awas Evam Vikas Parishad as well as Land Acquisition Officer seeking release of the compensation amount. It goes without saying that if compensation had not been paid to the petitioner despite an award having been passed on 14.09.1998, she would be entitled to the payment of that amount along with the interest in accordance with law. Such a claim shall be determined within a period of three months from the date of receipt of the representation from the petitioner. However, no interest shall be granted for the delay period in approaching the Court.

5. Learned counsel for the petitioner then submits that the 4 Biswa land out of total 10 Biswa acquired land of the petitioner is lying vacant and has not been utilized for any public purpose. He refers to the averments made in paragraph 10 of the counter affidavit filed by Uttar Pradesh Awas Evam Vikas Parishad in the petitioner's writ petition, where it is acknowledged that 4 Biswa land is still lying vacant.

6. As regard to the release of the aforesaid land, we are not inclined to express any opinion for the reason that no such argument was apparently raised before the High Court. All that we can observe at this stage is that the petitioner may approach the competent Authority for the release of the said land and such a claim may be sympathetically considered, provided that the said piece of land is not required for any public purpose or such public purpose can be effectively achieved even after releasing that land.

We hasten to clarify that we have not expressed any opinion on merits of the case and it is for the competent Authority to take an appropriate decision in this regard, as per law.

7. The Special Leave Petitions are disposed of in the above terms.

8. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR