

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1273/2017

(@Petition(s) for Special Leave to Appeal (C) No(s).15707/2016)

MANISH JAKHODIYA

Appellant(s)

VERSUS

STATE OF U.P AND ORS.

Respondent(s)

O R D E R

Leave granted.

Heard the learned Senior counsel appearing for the parties.

During the course of hearing, Mr. Dinesh Dwivedi, learned Senior counsel appearing for Respondent No.3 - Kanpur Development Authority has given a copy of communication No.327-1-13-2016-Rajaswa-13 dated 12th May, 2016 issued by the Chief Secretary, Government of U.P. addressed to (i) all the Principal Secretaries/Secretaries, Government of U.P., (ii) all the Divisional Commissioners, U.P., (iii) Director, Land, Acquisition Directorate, Revenue Board, U.P. and (iv) all the District Magistrates, U.P., regarding the process of payment of compensation for private land acquired by Government Departments/Autonomous Bodies of the State/Development Authorities without following legal procedure, in the Court after serving its copy to the other side, which is taken on record.

It is mentioned in the said letter that in order to resolve public grievances relating to land-compensation matters, a Committee has been constituted in all the Districts under the Chairmanship of Addl. District Magistrate (Finance & Revenue).

After having heard the learned Senior counsel appearing for the parties and perusing the material available on record, we think the impugned order passed by the High Court in the matter in question deserves to be set aside on the ground that a Committee under the Chairmanship of Additional District Magistrate (Finance & Revenue), as has been pointed out by the learned Senior counsel appearing for Respondent No.3, has already been constituted by the

Government of U.P. We are of the considered opinion that the said Committee can look into the matter pending before us.

In view of the above, the order of the High Court is set aside with a direction to the said Committee to look into the matter in question and it shall come to the conclusion whether any benefit viz. compensation etc. to the appellant or land allotment, for the acquisition of the land allegedly taken over by the Government.

We make it clear that we have not expressed any opinion on the merits of the case and the said Committee shall deal and decide the case independently and in accordance with the provisions of Law.

The appeal is disposed of in the afore-stated terms.

.....J
(PINAKE CHANDRA GHOSE)

.....J
(ROHINTON FALI NARIMAN)

NEW DELHI;
30TH JANUARY, 2017.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 15707/2016

(Arising out of impugned final judgment and order dated 29/01/2016 in WP No. 62636/2011 passed by the High Court of Judicature at Allahabad)

MANISH JAKHODIYA

Petitioner(s)

VERSUS

STATE OF U.P AND ORS.

Respondent(s)

(With office report)

Date: 30/01/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s)

Mr. Basava Prabhu S. Patil, Sr. Adv.
Mr. C.B. Gururaj, Adv.
Mr. Manuraj Singh, Adv.
Mr. Prakash Ranjan Nayak, AOR
Mr. K.P. Singh, Adv.

For R/3

Mr. Dinesh Dwivedi, Sr. Adv.
Mr. Abhishek Chaudhary, AOR

For R/1,2 & 4

Mr. D.K. Goswami, Adv.
Mr. Upendra Mishra, Adv.
Mr. Vinay Garg, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed order.

(VISHAL ANAND)
COURT MASTER

(SNEH LATA SHARMA)
COURT MASTER

(Signed Order is placed on the file)

Note: A copy of communication dated 12-5-2016 issued by the Chief Secretary, Government of U.P. is forwarded along with the Record of Proceedings.

