

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3936 OF 2020
(Arising out of SLP(C) No. 14738/2020)
(Arising out of SLP(C.)D. No. 32586/2019)

STATE OF U.P. & ORS.

...APPELLANT

VERSUS

MOHD. YUNUS ALIAS BHOLA

...RESPONDENT

O R D E R

Delay condoned.

Leave granted.

This Appeal arises out of order dated 11.12.2018 passed by the High Court of Judicature at Allahabad, Lucknow Bench, Lucknow in Misc. Bench No. 31844 of 2018.

The Writ Petition was filed by the respondent herein submitting *inter alia* that the land belonging to him was being encroached upon by the concerned authorities in the name of road widening. The following relief was, therefore, prayed for in the Writ Petition:

"Issue a writ, order or direction in the nature of Mandamus restraining the Opposite parties from encroaching the land of the petitioner's Gata 4000 ka and 4013 Kha, situated in Village Mawai, Pargana Maurawan, Tehsil Purwa, District Unnao, for constructing widening the 3 meter wide road in the interest of justice."

On the other hand, the submission on the part of the authority was that what was being done was only making a pucca road in place of paved road.

The High Court while dealing with the challenge made the following observations:

"However, it is provided that in case the land of the petitioner was utilized in the year 1996-97 and the petitioner has not been given any compensation, then the respondents shall look into the matter and take a decision for compensating the petitioner within a period of three months from the date of production of certified copy of this order and inform the petitioner forthwith.

It is further provided that if the respondents want to widen the said existing road, it shall be open to them but they shall proceed strictly in accordance with law."

It was never the submission of the respondent that whatever was the subject matter of acquisition in the year 1996-97 be adequately compensated for. In

the circumstances, there was no occasion for the High Court to make observations as stated above.

We therefore, allow this appeal and delete the observations as quoted hereinabove from the order dated 11.12.2018 passed by the High Court.

The appeal stands allowed in the aforesaid terms. No costs.

.....J.
(UDAY UMESH LALIT)

.....J.
(VINEET SARAN)

NEW DELHI;
DECEMBER 02, 2020.

