

(2004) 03 AHC CK 0017
In the Allahabad High Court
Case No : C.M.W.P. No. 29739 of 1999

509 Army Base Workshop Workers Cooperative Housing
Society Ltd. and Another

APPELLANT

Vs

District Magistrate, Agra and Others

RESPONDENT

Date of Decision : 10-03-2004

Acts Referred:

Citation : (2004) 5 AWC 4286

Hon'ble Judges : R.S. Tripathi, J;M. Katju, J

Bench : Division Bench

Advocate : Prakash Gupta, for the Appellant; M.M. Srivastava and S.K. Purwar, S.C., for the Respondent

Final Decision : Allowed

Judgement

M. Katju, J.—Heard learned Counsel for the parties.

2. It has been alleged in the writ petition that the land in question was acquired under the Land Acquisition Act for the residential purpose of members of the Petitioners' society. The entire area of land acquired was 32 bigha 4 biswa, and the society paid the amount for the said land, and possession was delivered to the Petitioners on 26.8.1983. Out of the aforesaid plot the Petitioners carved out 265 plots for residence of the employees/members belonging to the defence personnel who are the members of the Petitioner society.

3. The society developed the entire colony and over plot Nos. 90/A and 90/B the society was going to construct shopping centre as well as the Union Office of the Petitioners.

4. It is alleged in para 14 of the petition that in the night of 11/12.4.1996 the Petitioner No. 2 was informed that a statue of Baba Ambedkar had been kept in these two plot Nos. 90/A and 90/B. The Petitioner No. 2 accordingly made complaint to the police and the police came and removed the statue of Baba Ambedkar on 12.4.1996. Thereafter on 13.4.1996 a mob of members of the

Jatav community collected at the place over these plots and made gherao of the police and blocked the road and threw stones.

5. It is alleged that thereafter again members of the Jatav community encroached upon the land, and on 16.9.1997 the Nagar Nigam, Agra, forcibly constructed the boundary wall on these two plots. The Petitioners approached the District Magistrate and the Superintendent of Police, Agra, to remove the boundary wall but to no avail.

6. The Petitioners made several representations to the District Magistrate and other authorities but nothing was done.

7. We have heard Sri. Prakash Gupta, learned Counsel for the Petitioners, Sri. S.K. Purwar, learned Counsel for Respondent Nos. 4 and 5 and learned standing counsel.

8. This country is governed by the Rule of law and not by the Rule of the Jungle. This Court has highest respect for Baba Saheb Ambedkar who was a great freedom fighter for our country, but it seems that some people are misusing his name for their own illegal purpose.

9. In the present case, it is obvious that Respondent Nos. 4 and 5 have illegally trespassed on the land belong to the Petitioners. This is nothing but illegal and unauthorized grabbing of the land which will not be tolerated by this Court, otherwise the Rule of law will collapse.

10. For the reasons given above this petition is allowed. If possession over the land has been taken from the Petitioners it will be restored forthwith, and if the possession has not been taken nobody will be allowed to interfere with the Petitioners' possession. The District Magistrate will ensure compliance of this judgment forthwith.

11. A copy of this judgment will be given free of charge to the learned standing counsel by tomorrow and to other learned Counsels on payment of usual charges.