
(2011) 07 AHC CK 0349
In the Allahabad High Court
Case No : Writ C No. 37443 of 2011

Gajraj and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 11-07-2011

Acts Referred:

Land Acquisition Act, 1894 — Section 17(1), 17(4), 4, 5A, 6

Citation : (2011) 07 AHC CK 0349

Hon'ble Judges : Ashok Srivastava, J; Amitava Lala, J

Bench : Division Bench

Judgement

Ashok Srivastava, J.—The Petitioners have contended before us that the question regarding acquisition in connection with the land in question is serious in nature in view of the recent trend of the orders passed by this Court and Supreme Court in connection with the issuance of notifications under Sections 4 and 6 read with Section 17(1) and 17(4) of the Land Acquisition Act ignoring the right of filing objection u/s 5-A of the Act. Moreover, No. land use has been changed.

2. On the other hand Sri Ravindra Kumar, learned Counsel appearing for the Respondent-authority has contended before this Court that the possession of the land has already been given and third party interested is created.

3. However, we do not take this controversy lightly in view of the present situation and several decision in this regard. Therefore, there should be an exchange of affidavits between the parties within a shortest possible time.

4. Counter affidavit will be filed positively within seven days from this date. Rejoinder affidavit will be filed within three days thereafter.

5. The matter will appear on 21.7.2011.

6. However, allottees have appeared and contended that they have not been impleaded as party Respondents. However, since they have intervened, it would be appropriate to add them as party Respondents by red ink in course of the day

and copy of the writ petition will be served to such Respondents. However, the period of exchange of affidavits will be the same also in respect to the intervening parties.

7. However, when the question of interim order with regard to the possession came before this Court, learned Counsel appearing for the authority has produced a policy decision dated 5.9.2008 and contended that the possession has been given to third party.

8. Against this background, No. fruitful purpose will be sub served in passing the order in this regard at all if the possession has been given by such memo dated 5.9.2008. A photostat copy of the possession memo dated 5.9.2008 will be kept with the record.