
(2004) 03 AHC CK 0104
In the Allahabad High Court
Case No : C.M.W.P. No. 52064 of 2003

Naunihal Singh

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 10-03-2004

Acts Referred:

Constitution of India, 1950 — Article 300A
Land Acquisition Act, 1894 — Section 11, 4, 6

Citation : (2004) 3 AWC 2211

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

Bench : Division Bench

Advocate : R.C. Sinha, for the Appellant; R.K. Saxena and SC, for the Respondent

Final Decision : Allowed

Judgement

M. Katju, J.—Heard learned counsel for the partial.

2. In case after case, which is coming up before us, we find that a citizen's land has been acquired or simply taken over without paying him compensation. This is highly improper, and in fact violative of Article 300A of the Constitution.

3. In the present case the petitioner is a farmer whose land was acquired under the Land Acquisition Act and an award was given on 24.2.2002, but it is alleged that as yet the compensation has not been paid vide para 10 of the petition.

4. The compensation awarded is Rs. 36,93,260.85 paise calculated upto August, 2002. Nothing has been paid to the petitioner as yet although land acquisition proceedings started in 1999. It is alleged in para 12 of the petition that possession was illegally taken about 22 years ago.

5. In the counter-affidavit filed by the Assistant Engineer on behalf of the respondents it is stated in para 6 that in pursuance of the award dated 24.1.2001 an amount of Rs. 5,50,000 has been deposited with the S.L.A.O., Mathura for payment of the compensation to the tenure holder whose land was

acquired but due to paucity of fund the remaining amount could not be paid by the Irrigation Department and representations have been made to the State Government in this connection. Even this amount of Rs. 5.50 lacs has not been paid to the petitioner, and he has been made to run from pillar to post.

6. In our opinion the excuse that the respondent has paucity of funds cannot be accepted. If land is to be acquired then prompt compensation must be paid. The State Government is expected to set high standards of fairness, but we find in case after case coming up before us that either the compensation is not paid for the land which is acquired or else possession is taken without even following the procedure in the Land Acquisition Act, i.e., without issuing notification u/s 4 or 6.

7. We therefore, direct that either the possession of land must be returned forthwith to the petitioner or else the compensation awarded by the Land Acquisition Act in the award in question dated 24.1.2002 shall be paid in full to the petitioner and other tenure holders within two months from today. Apart from that the State Government shall also pay exemplary costs of Rs. 1,00,000 to the petitioner for its highhandedness, and this amount shall also be paid within two months to the petitioner.

8. With the above observation this petition is allowed.