

(2013) 05 AHC CK 0233

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 1351 of 2013

Ram Narayan

APPELLANT

Vs

State of U.P.and Others

RESPONDENT

Date of Decision : 10-05-2013

Acts Referred:

Citation : (2013) 05 AHC CK 0233

Hon'ble Judges : Sibghat Ullah Khan, J

Final Decision : Disposed Of

Judgement

Sibghat Ullah Khan, J.

File of First Appeal no.846 of 2000 A.D.A., Allahabad Vs.Dakkhini Deen & Others has been summoned from the office Sri V.B. Yadav, learned counsel for the petitioner and Sri Ram Singh learned standing counsel for Secretary Allahabad Development Authority Allahabad (A.D.A.) respondent no.4 have perused the file of the First Appeal. Both the learned counsel states that there is no stay order in the First Appeal.

An amount of Rs.19.17 lakh has been deposited by A.D.A. before reference court on 28.1.2010.

Learned counsel for the A.D.A. has not been able to show that there is any order directing that the deposited amount shall not be paid to the claimant petitioner. Accordingly it is not understandable that why for more than three years the amount has not been paid to the claimant. If the deposited amount was not kept in some good interest bearing account and was not paid to the claimant then it is actually a blunder. The court below is required to explain that who will bear the loss of interest for these three years. The matter is pending before A.D.J. Court no.12 in the form of R.A. no.9 of 2010 in execution case no.4 of 1995 arising out of L.A.R. Reference no.165 of 1989. The court concerned shall ensure that if there is no order directing that the amount shall not be paid to the claimant petitioner and the claimant is entitled to the amount then within a week from the

date of filing of this order the amount is paid to the claimant. This court will not appreciate a single day's delay. Learned District Judge shall also look into the matter and ascertain the reasons for this inordinate delay. If the amount was kept in some interest bearing account then the accrued interest shall also be paid to the claimant. The court below must realise that this is the amount which is paid to the claimants in lieu of their land and it is not a charity. In some future case the court may be compelled to take harsher view.

If some other matters like the present one are pending then learned District Judge shall ensure in those cases also that the deposited amounts are paid to the claimants promptly. A chart of all such land Acquisition cases and motor vehicles cases/execution cases in which awarded amounts or parts thereof have been deposited but not paid to the claimants even though there is no stay order in that regard shall be prepared and a copy of same shall be sent to the Hon''ble Administrative Judge. Each A.D.J. must be required to send details of such cases before him for preparation of the chart.

Office is directed to send a copy of this order to District Judge Allahabad immediately. A copy may be placed before the Hon''ble Administrative Judge of Allahabad for his Lordships perusal.

Writ petition is disposed of.