

(2017) 01 AHC CK 0183
In the Allahabad High Court
Case No : Writ C No. 55285 of 2014

Ravindra Wadhwa

APPELLANT

Vs

State of Uttar Pradesh

RESPONDENT

Date of Decision : 17-01-2017

Acts Referred:

Land Acquisition Act, 1894 — Section 17, Section 5

Citation : (2017) 2 ADJ 1

Hon'ble Judges : Tarun Agarwala and Vipin Sinha, JJ.

Bench : Division Bench

Advocate : Sudeep Harkauli, Advocate, for the Petitioners in Writ C No. 55285 of 2014; C. S.C., M.C. Chaturvedi, Advocate, for the Respondents in Writ C No. 55285 of 2014; Dhananjay Prasad and Anupam Kulshreshtha, Advocates, for the Petitioner in Writ C No. 11045 of 2016; C.S.C., J.N. Mishra, J.N. Maurya, Suresh Chandra, Advocates, for the Respondents in Writ C No. 11045 of 2016; Dhananjay Prasad, Advocate, for the Petitioner in Writ C No. 67115 of 2011; C.S.C., M.C. Chaturvedi, Advocate, for the Respondents in Writ C No. 67115 of 2011; Pankaj Dubey, Advocate, for the Petitioners in Writ C No. 59529 of 2011; C.S.C., M.C. Chaturvedi, Advocate, for the Respondents in Writ C No. 59529 of 2011; Atul Yadav, S. Naiyar, Sangam Singh, Virender Singh, Zafar Naiyer, Advocates, for the Petitioner in Writ C No. 65978 of 2014; C.S.C., H.P. Singh, J.N. Maurya, M.C. Chaturvedi, Advocates, for the Respondent in Writ C No. 65978 of 2014; Sudeep Harkauli, Advocate, for the Petitioner in Writ C No. 55901 of 2014; C.S.C., M.C. Chaturvedi, Advocate, for the Respondent in Writ C No. 55901 of 2014; Sudeep Harkauli, Advocate, for the Petitioner in Writ C No. 4174 of 2014; C.S.C., M.C. Chaturvedi, Advocate, for the Respondent in Writ C No. 4174 of 2014; Harsh Vikram, D.V. Jaiswal, Advocates, for the Petitioner in Writ C No. 65179 of 2014; C.S.C., M.C. Chaturvedi, Advocate, for the Respondents in Writ C No. 65179 of 2014; Sudeep Harkauli, Advocate, for the Petitioner in Writ C No. 57209 of 2014; C.S.C., M.C. Chaturvedi, Advocate, for the Respondents in Writ C No. 57209 of 2014; Pankaj Dubey, Advocate, for the Petitioners in Writ C No. 23653 of 2016; C.S.C., Suresh C. Dwivedi, Advocate, for the Respondents in Writ C No. 23653 of 2016

Final Decision : Dismissed

Judgement

1. Heard learned counsel for the parties and perused the record.

This bunch of writ petitions have been filed raising a common grievance and for the sake of convenience, writ petition no. 55285 of 2014 (Ravindra Wadhwa and 2 Others v. State of U.P. And 3 Others) is being treated as the leading case along with writ petition nos. 67115 of 2011 (M/s Cottage Industries Exposition Private Ltd. v. State of U.P. And Others) and 11045 of 2016 (Cottage Industries Exposition Ltd. v. State of U.P. And Others).

2. The above noted writ petitions and all the other connected writ petitions are directed against the first notification dated 24.8.2009 and declaration dated 13.10.2010 issued under sections 4/17 and 6/17 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act") as well as the second notification dated 14.9.2010 and declaration dated 24.5.2011 issued under Section 4/17 and 6/17 of the Act by means of which the land was acquired for a public purpose i.e. for the construction of Agra Inner Ring Road as well as for Land Parcel.

It has been very strongly contended by the counsel appearing for the petitioners that Sections 17(1) and 17(4) of the Act has been wrongly invoked and Section 5A has been wrongly dispensed with. It has further been contended that there was no material evidence on record which could support the dispensation of Section 5A of the Act and the same has been wrongly dispensed with. In this regard, the original record with regard to both the notifications have been produced before this Court and the same have been duly perused by the Court.

3. The first record is with regard to the notification under Section 4/17 of the Act dated 24.8.2009 with regard to 204.6120 hectare in the Inner Ring Road Project. A perusal of the first record shows that the contention of the counsel for the petitioners is that there has been no application of mind while invoking Section 17 of the Act is misconceived.

4. Learned Standing Counsel has drawn the attention of the Court to the letter of the District Magistrate dated 19.6.2009 and also to the notification that has been issued.

Attention of the Court has also been drawn to Form No. 10. The relevant portion reads as follows:

"mDr Hkwfe ds mDr vf/kxzg.k esa ifj;kstuk dks vfoYec iw.kZ fd;s tks dh vko";drk ds dkj.k rkRdkyhd izHkko ls izLrkfor Hkwfe dk dCtk fy;k tkuk vR;Ur vko";d gSA Hkwfe v;/kfIr vf/kfu;e dh /kkjk&17 dk iz;ksx fd;s tkus dh n"kk esa vf/kfu;e dh /kkjk&5@d ds micU/k foyqIr gks tkrs gSa vkSj Hkwfe Lokfe;ksa dks lquokbZ dk volj lekIr fd;s tkus ds vkSfpR; ls eSa iw.kZr;k lger gwWaA"

Similarly with regard to the second notification, the record has been perused. The same being notification under Section 4/17 of the Act dated 14.9.2010 with regard to 955.9759 hectare in the Ring Road and Land Parcel Project wherein a reference has been made to the letter dated 29.07.2010 sent by the District Magistrate, Agra to Joint Secretary, Avas Evam Shahari Niyojan, Anubhag-3, U.P.

Government, Lucknow. The relevant portion is quoted herein below:

"dUls"ku ,xzhesUV ds dze esa Hkwfe vftZr dj dUls"kus;j dks miyC/k djkbZ tkuh gSA iz"uxr 955-9759 gSDVs;j Hkwfe ds fy, /kkjk&4@17 ds vUrxZr izLrqr fd;s vtZu izLrko esa 112 gSDVs;j Hkwfe buj fjax jksM+ ds ROW gsrq rFkk vo"ks"k 843-9759 gSDVs;j Hkwfe yS.M iklZy ,oa vU; lqfo/kkvksa gsrq vftZr fd;k tkuk izLrkfor gS] buj fjax jksM+ ifj;kstuk dk fuekZ.k vkxjk uxj ds ,sfrgkfld egRo dks ns[krs gq, izLrkfor fd;k x;k gS ftlesa rktegy ,oa vU; ,sfrgkfld bekjrksa dks ns[kus vk jgs lSykfu;ksa dks fnYyh ls vkxjk rd txg&txg Vs~fQd dUts"ku dh fo"ke fLFkfr dk lkeuk u djuk iM+sA bl izdkj mDr ifj;kstuk "kklu dh vfregRokdk{kh ;kstuk gS] ftls le;o) :i ls iw.kZ fd;k tkuk vko";d gSA blh ds n`f"Vxr rkRdkfydrk ds en~nsutj Hkwfe vftZr fd;s tkus gsrq /kkjk&17 yxk;k tkuk izLrkfor fd;k x;k gSA"

" vr% vkils vuqjks/k gS fd iz"uxr izdj.k esa mijksDrkuqlkj vkifRr;ksa dk fujkdj.k dj fn;k x;k gSA d`i;k Hkwfe v;/kfIr vf/kfu;e dh /kkjk&4(1)@17 fuxZr djus dk d"V djsaA"

Similarly attention has also been drawn to the letter dated 29.7.2010 sent by Vice President (Upadhyaksha), Agra Development Authority, Agra to the District Magistrate, Agra.

Attention of the Court has also been drawn to the letter dated 19.7.2010 sent by Special Land Acquisition Officer, Nagar Mahapalika, Agra to the Ayukta Evam Nideshak, Bhumi Adhyapt Nideshalaya Rajasva Parishad U.P. Lucknow.

5. To the satisfaction of the District Collector with regard to the invocation of Section 17 of the Act, a certificate in this regard has also been seen, the same is Form No. 10.

The recognition of the Collector Agra with regard to the necessity for invoking Section 4/17 of the Act has been mentioned at page no. 320 of the paper record which clearly shows that the authority concerned had applied its mind with regard to the invocation of Section 17 of the Act and dispensation of Section 5A of the Act and thus it cannot be said that Sections 17(1) and 17 (4) of the Act have been wrongly invoked.

Attention of the Court has also been drawn to the letter dated 8.7.2010 sent by the District Magistrate, Agra addressed to the Ayukta Evam Nideshak, Bhumi Adhyapt Nideshalaya Rajasva Parishad U.P. Lucknow and also to the letter dated 3.6.2010 sent by the District Magistrate, Agra addressed to the Ayukta Evam Nideshak, Bhumi Adhyapt Nideshalaya Rajasva Parishad U.P. Lucknow.

In writ petition no. 55285 of 2014 it may be clarified that there were three petitioners out of which petitioner no. 2 Deewan Singh and petitioner no. 3 Bhuri Singh had filed an application seeking withdrawal of the case and vide order dated 25.5.2016 of this Court the writ petition of Deewan Singh and Bhuri Singh have been dismissed and the prayer is confined only with regard to petitioner no. 1, namely, Ravindra Wadhwa.

The grounds of challenge can be briefly summarized herein as under:

A. Section 17 of the Act has been wrongly invoked and there was no material whatsoever on record which may justify the dispensation of Section 5A of the Act.

B. There is a delay in issuance of declaration under Section 6 of the Act i.e. the same has not been published within a period of one year.

C. It has been contended that the land has been acquired by a private company, thus the purpose of acquisition cannot be said to be the public purpose.

6. Attention of the Court has also been drawn by the learned counsel for the petitioners to the various documents which have been annexed with the writ petition to demonstrate that there has been no application of mind with regard to the invocation of Section 17 of the Act and dispensation of Section 5A of the Act and in this regard a reference has been made to the various documents which have been annexed in writ petition no. 67115 of 2011 (M/s Cottage Industries Exposition Private Ltd.).

Counsel for the petitioners while assailing the said two notifications have raised the following contention which have been summarized herein as under:

The contention of the learned counsel for the petitioners is, that the acquisition was in a colourable exercise of power as it was meant for a company, is totally misconceived inasmuch as evidence has already been brought on record that the development is now being done by the Agra Development Authority, Agra.

With regard to the contention that the land, in fact, was acquired for a private company, an affidavit has been filed, the same is dated 12.9.2016 titled as the second supplementary affidavit, in paragraph no. 5 of which, it has been mentioned as under:

"That however due to change in various circumstances the government in its high level meeting held on 29.8.2012 under Chairmanship of Hon"ble Chief Minister of U.P., decided to cancel the concession agreement with the consent of the both parties to the contract i.e. Agra Development Authority and Jaypee Agra Vikas Limited."

Thus, it has been contended that the concessionaire agreement has been cancelled and that now the project has been developed by the Agra Development Authority, Agra itself. It has been mentioned in paragraph no. 7 of the said IInd supplementary affidavit as under:

"The government on being informed about the aforesaid scenario has vide its government order dated 11.12.2013 decided and directed to Agra Development Authority, Agra to construct the Inner Ring Road in three phases. In first phase 10.09 km. Inner Ring Road from Kanpur Road to Fatehabad Road shall be constructed where under all road over bridges (ROW) and Yamuna Bridge shall be constructed by the Public Works Department and the Right of Way (ROW) i.e. 6 lane expandable to 8 lane shall be constructed by the Agra Development

Authority from its own resources."

It has been contended by learned counsel for the petitioners that the land has been acquired for a private company without any application of mind for its own use. The notification under Section 4(1) along with Section 17(4) of the Act dated 14.9.2010 published in daily newspaper Dainik Jagaran on 26.9.2010 and the notification under Section 6 of the Act dated 24.5.2011 published in daily newspaper Dainik Jagran dated on 14.6.2011 are illegal, arbitrary and liable to be quashed.

Learned Advocate General has informed the Court that the petitioners are only 8.8 per cent of the total number of persons involved and that the majority of the persons have already taken compensation and have not challenged the acquisition.

Learned Advocate General has also given a date wise chart in order to demonstrate that the notification under Section 6 of the Act was issued well within time. The said chart is being reproduced herein below:

AGRA INNER RING ROAD-:

Events:-

(Land Acquisition and Development)

1st Notification

1

Number and date of Notification U/s 4(1)/17 of the Land Acquisition Act,1894.

2950/8-3-09-73 L.A.-09 dated 24th August,2009 of Avas Evam Shahri Niyojan Anubhag -3, Uttar Pradesh, Shashan.

Area under Notification.

204.6120 Hectare.

Date of Publication in Government Gazette (Extraordinary)

24.08.2009

Date of Publication in two daily newspapers for public notice.

"Dainik Jagaran" dates 16.09.2009. "Amar Ujala" dated 16.09.2009

Issuance of Public Notice for general information through Munadi

05/05/10

Corrigendum Regarding notified area 205.4180 hectare in place of 204.6120 hectare.

21.05.2010

2

Details of compensation

(a) 10% acquisition cost and 10% estimated compensation.

13,08,36,718.00 dated 18.06.2010

(b) 70 % estimated compensation

94,41,48,742.00 dated 15.05.2010

(c) Amount under National Rehabilitation.

(d) 20% remaining compensation

1,59,65,000.00 dated 21.05.2010

3

Number and date of De-notification u/s 4(1)/17(4) of the Land Acquisition Act, 1894.

2523/8-3-10-73 L.A./09 dated 22nd July , 2010 of Avas Evan Shahri Niyojan Anubhag-3, Uttar Pradesh Shashan.

Area under De-Notification

42.5825 Hectare.

Date of Publication in Government Gazette (Extraordinary)

22.07.2010

4

Number and Date of Notification U/s 6(1)/17(1) of the Land Acquisition Act, 1984.

4333/8-3-10-73 L.A./09 dated 13.10.2010 of Avas Evam Shahri Niyojan Anubhag -3, Uttar Pradesh, Shashan.

Date of Publication in Government Gazette (Extraordinary)

13.10.2010

Area under notification under section 6/17

162.8335 Hectare.

Date of publication of notification in two daily newspapers for public notice.

"Dainik Jagaran" dated 27.10.2010 "Amar Ujala" dated 27.10.2010.

Notification dated 13.10.2010 was known to public in general by posting of aforesaid notification on notice board/Munadi.

15.11.2010

5

Issuance of notice under section 9 of the Land Acquisition Act, 1894.

Date of Notice 01.12.2010 fixed for 07.12.2010.

6

Notice U/s 17(3-A) of Act, 1894.

08.02.2011, 25.02.2011.

7

Date of handing over of possession to the Authority.

17.02.2011, 18.02.2011 and 21.02.2011

8

Total area involved in the Possession Memo

159.8455 Hectares.

9

Award U/s -11(1)

23.12.2013 30.12.2013 31.12.2013

For Area ? 34.28555 Hectare.

Notice U/s -12(2)

26.07.2014 To 22.09.2014

Deposit in the Court

31.12.2014 To 20.03.2015

5, 61, 43, 727.00

Award U/s-11(2)

19.11.2011 To 23.12.2013

For Area - 106.965363 hectare

By Exchange of Land

09.01.2015 To 16.04.2016

For Area - 2.9610 hectare

Area Under Stay:- 10.463877 Hectare

Area Under difference :- 8.15771 Hectare

Total Area :- 162.8335

2nd Notification

1

Number and date of Notification U/s 4(1) /17 of the Land Acquisition Act, 1894.

3101/8-3-10-98 L.A./10 dated 14th Sept, 2010 of Avas Evam Shahri Niyojan Anubhag-3, Uttar Pradesh Shashan.

Area under Notification

955.9759 Hectare.

Date of Publication in Government Gazette (Extraordinary)

14.09.2010

Date of Publication in two daily newspapers for public notice.

"Dainik Jagaran" dated 26.09.2010 "Amar Ujala" dated 26.09.2010

Issuance of Public Notice for general information through Munadi

23.12.2010

24.12.2010

Corrigendum in continuation of notification dated 14.09.2010

29.04.2011

2

Details of compensation

(a) 10% acquisition cost and 10% estimated compensation

32,56,13,664.00

Dated 08.07.2010

(b) 70% estimated compensation

2,24,52,60,649.00

Dated 10.02.2011

(c) Amount under National Rehabilitation

3,40,35,000.00

Dated 28.10.2011

(d) 20% remaining compensation

65,12,27,328.00

Dated 28.10.2011

3

Number and date of notification U/s 6(1)/ 17(1) of the Land Acquisition Act, 1894.
1599/8-3-2011-98 L.A. /2010 dated 24.05.2011 of Avas Evam Shahri Niyojan
Anubhag -3, Uttar Pradesh Shashan.

Date of Publication in Government Gazette (Extraordinary)

24.05.2011

Area under Notification under section 6/17

938.8975 Hectare

Date of Publication in Government Gazette (Extraordinary)

24.05.2011

Area under notification under section 6/17 938.8975 Hectare. Date of Publication
of notification in two daily newspapers for public notice.

"Dainik Jagaran" dated 14.06.2011 "Amar Ujala" dated 14.06.2011

"Hindustan" dated 14.06.2011

Notification dated 24.05.2011 was known to public in general by posting of
aforesaid notification on notice board/Munadi.

20.06.2011

4

Issuance of notice under section 9 of the Land Acquisition Act, 1894.

Date of Notice -01.07.2011 fixed for 04.07.2011

5

Notice U/s 17(3) of Act, 1894

07/09/11

6

Date of handing over of possession to the Authority.

08.09.2011

7

Total area involved in the Possession Memo

909.8800 Hectares

8

Total Area required for Road

91.4119 Hectare

9

Award U/s -11(1)

23.12.2013 30.12.2013 31.12.2013

For Area -38.46776 Hectare

Notice U/s -12(2)

26.07.2014 To 20.09.2014

Deposit in the Court

31.12.2014 To 25.03.2015

Award U/s-11(2)

15.06.2013 To 31.12.2013

For Area -38.214599 Hectare

By Exchange of land

09.01.2015 To 16.04.2016

For Area -4.6460 Hectare

Area Under Stay :- 7.585418 Hectare

Area under difference :- 2.498123 Hectare

Total Area :- 91.4119

Status of Development of Inner Ring Road

1

Length of Inner Ring Road. 22.92 km .Area :- 254.3194 hect.

Area :- 11.6766 hect .(G.S.)

Total Area :- 265.966 hect.

Possession taken upon an area admeasuring 247.329545 hectare (93%).

2

Phases of Development.

10.90km. Area:- 120.97 hect.+6.00 hect.(G.S)

1st Phase:-

Estimated Cost:-

Rs. 825.14 crore

Expenditure incurred till date:-

Rs 545.40 crore

2nd Phase:-

08.02 km.Area :-88.8211 hect.+4.00 Hect.(G.S)

Expenditure incurred till date:-

3rd Phase:-

Rs. 59.0401 crore.

Expenditure incurred till date:-

04.00 km Area:- 44.5283 hect.+1.6766 hect (G.S.)

Rs. 15.38 crore

1st Phase

Land required :-

126.97 hect.

Land for ROW:-

110.34 hect. (completed except 3853 sq mt. Involved in W.P. No.65978/2014)

Land for loop for interchange and Allied purposes:-

16.63 hect. (involved in W.P. Nos 55901/2014, 55285/2014,48220/2011 & 49418/2011.)

2nd Phase

Tenders invited from willing contractors.

7. A counter affidavit has been filed by the State in which it has been mentioned that the Agra Development Authority has prepared a master plan duly approved by the Government proposing 100 metre wide Inner Ring Road as a bypass road to the Agra City through outer areas of the city. The aforesaid so called Inner Ring Road was an extension of upcoming Yamuna Expressway. The said Ring Road, 20.5 km. in length is an extension of the upcoming Yamuna Expressway and elevated section on the Fatehabad Road to provide better access to Taj Mahal for the tourists. The proposed Inner Ring Road of 20.5 km is in length and will start from NH-2 near Kuberpur village and will end at NH-3 near village Rohata. Initially the Agra Development Authority Agra with due consultation with Government had decided to construct the road on Public Private Partnership mode (PPP Mode) and in pursuance thereof J.P. Associate was selected as a developer on PPP mode. However, later on it was decided that the Inner Ring Road would be developed by the Agra Development Authority itself and thus with the aforesaid object the notification under Section 4 of the Land Acquisition Act,

1894 was issued on 24.8.2009 acquiring 204.6120 hectare of land of various villagers falling in alignment of proposed Inner Ring Road of 20.5 km. Thereafter some time took place in finalizing the concession agreement, however, ultimately concessionaire was approved and the developers were selected after survey of the land proposed change in alignment of the Road. The said amendment in alignment of Inner Ring Road was approved by the Board of Agra Development Authority, Agra in its meeting held on 5.5.2010 and thereafter the papers were forwarded to the Government vide letter dated 21.5.2010 by the then Vice Chairman of Agra Development Authority, Agra. However, in view of the proposed change in alignment of Inner Ring Road some plots notified earlier as they were not acquired any further and as some new plots were required to be notified afresh and accordingly vide letter dated 15.5.2010 a request was made from the District Collector to issue a declaration under Section 6/17 of the Act in respect of remaining 162.8335 hectare and denotification of 42.5825 hectare land. In pursuance of the aforesaid, the proposal was forwarded by the District Collector on 17.5.2010 and the Director thereafter return the same vide letter dated 9.6.2010 with certain objections to which reply was given to the Collector vide order dated 14.6.2010 and it was thereafter the State Government had issued a corrigendum on 21.5.2010 whereby the area shown as 204.6120 hectare in Section 4 notification dated 24.8.2009 was corrected as 205.4180 hectare.

8. It has also been brought on record by the said counter affidavit that the Government had issued notification dated 22.7.2010 and 6.9.2010 denotifying total 42.5825 and 0.0020 hectare of land which has been rendered unnecessary due to change of alignment in Inner Ring Road. Thereafter various decisions took place and ultimately the Government had issued a public notice dated 9.12.2010 under Section 13(3) of the U.P. Urban Planning and Development Act, 1973 inviting objection and suggestion on the proposed change of land use. However, in the meantime, the Government had issued a declaration dated 13.10.2010 under Section 6/17 of the Act with regard to the remaining land and the same was published on daily newspaper on 27.10.2010 and public notice of the substance was given in convenient place on 13.11.2010. An award was declared on 30.12.2013 of the land of village Budhera, Tehsil Sadar, Pargana & District Agra including the petitioners' land in writ petition no. 55285 of 2014. It has also been mentioned in the counter affidavit that even though the notice under Section 12(2) of the Act had been issued to the tenure holders for receiving of the awarded amount but they have not received the same and as such under the provisions of Section 77 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (hereinafter referred to as the "Act, 2013"), the aforesaid amount has been deposited in the court of District Judge, Agra vide letter dated 18.12.2014 and 31.01.2015 along with treasury challan. In the revenue record, name of the acquiring body i.e. Agra Development Authority has been mutated under various orders of the Tehsildar Sadar issued in the year 2013 in pursuance of order dated 31.3.2011 of Special Land Acquisition Officer. It may also be appreciated that the remaining land

required for Inner Ring Road due to change of alignment was acquired vide notification under Section 4(1)/17 of the Act issued on 14.9.2010 along with land for allied project and declaration under Section 6(1)/17(1) of the Act was issued on 24.5.2011. It has also been brought on record that till date 23.6.2015 the total cost of the project is estimated Rs. 419.25 crores out of which an amount of Rs. 432.57 crores has already been expended and as per the report, possession of 95% of the total land has already been taken in the first phase of the project.

9. It has also been specifically mentioned in the counter affidavit and also as per the chart which has been reproduced in the preceding paragraphs that the notification under Section 4 of the Act was issued on 24.8.2009 and published in daily newspaper on 16.9.2009 and the last mode of publication by Munadi was done on 6.5.2010 and the declaration under Section 6 of the Act took place on 13.10.2010. In addition to above in between the notifications under Section 4 of the Act and declaration under Section 6 of the Act various incident such as amendment in alignment, corrigendum, denotification and change of land use has taken place and as such the proceedings has been completed in accordance with provisions of law within prescribed period.

10. The Court has been informed that due to change of alignment some more land was required for the project and the same was acquired vide notification under Section 4(1)/17 of the Act issued on 14.9.2010 and declaration under Section 6(1)/17 of the Act issued on 24.5.2011.

It has been vehemently argued that Section 17 of the Act has been invoked along with Sections 4 and 6 of the notification keeping in view the urgency that the appropriate Government has directed the Collector that though no such award has been made, may, on expiration of 15 days from the publication of notice under Section 9(1), take possession of any land needed for public purpose and such land shall vest absolutely with the Government, free from all encumbrances. It has further been argued that in case of urgency, the provisions of Section 11A of the Act shall not apply. It has also been argued that the compensation has already been deposited in the court of the District Judge, Agra and that the land in question has been acquired for purely public purpose i.e. for construction of 100 mtr. bypass to move the pollution and congestion of traffic and that first phase of the Inner Ring Road which is about 10.9 km. the construction of Inner Ring Road has reached to a considerable length of more than 95% of the targeted length leaving 5% of land on account of interim orders passed by this Court.

Keeping in view the facts and circumstances of the case, we find that as far as with regard to the delay in publication of the notification under Section 6 of the Act is concerned, the same is misconceived (Reference to the date-wise chart which has been mentioned in the preceding paragraph).

11. It has also been found that the contention of the learned counsel for the petitioners with regard to the invocation of Section 17 of the Act and

dispensation of Section 5A of the Act is also devoid of merit.

A reference may also be made to the following consistent legal position:

Inasmuch as the contention of the counsel for the petitioners with regard to the taking of possession is concerned, it has to be appreciated that as per the contention of the counsel for the respondents, possession has been taken by the authorities and in this regard the attention of the Court has been drawn to the panchnama with regard to the possession which is on record. It may further be appreciated that whether physical possession/paper possession should be treated as taking possession in the eyes of the law, it would be debatable point inasmuch as in various judgments, this Court had held that whenever there is large-scale acquisition and possession of large chunk of land belonging to number of persons is to be taken, paper possession would be a permissible mode. Thus, this Court finds no ground for interfering in this regard. (*Savitri Devi v. State of U.P.* 2015 (7) LLJ 21).

12. Learned Advocate General appearing for the State has placed much reliance on the judgment of the Apex Court rendered in the case of *Nand Kishore Gupta v. State of U.P.* 2010(10) LLJ 282 and in that case also, the notification with regard to Village Kuberpur and Etmadpur were dealt with. In the said case, the appellants had seriously challenged the application of urgency clause under Section 17(1) and 17(4) of the Act by means of which it was alleged that the appellants have been deprived of an opportunity of being heard under Section 5A of the Act and there in also there was a major challenge opposing the acquisition relating to the concept of "public purpose". It was tried to be suggested that this was in fact an acquisition without any public purpose for the Company J.P. Infratech Ltd. and thus would be covered under Part VII of the Act.

The Apex Court while dealing with the question of the application of Sections 17(1) and 17(4) of the Act and also while considering the question of dispensation under Section 5A of the Act had observed herein as under:

"19. Learned Counsel appearing on behalf of the appellants argued in support of the above two main and the ancillary questions. As against this, learned Counsel appearing for the State as also for the Company and YEIDA supported the acquisition and contended that it was futile to oppose the acquisition, particularly, when the acquisition was virtually accepted by all except a few, inasmuch as the learned Counsel contended that majority of the landlords have accepted the compensation also and have not challenged the acquisition in any manner. It is only a few extremely insignificant pockets which are now caught in this litigation. The learned Counsel have specifically averred that the whole process was extremely transparent and that there was necessity of this land considering the public purpose involved and that all care was taken to safeguard the interests of the farmers and that the creation of this Expressway and creation of five townships would immensely help the general public residing on the Eastern Bank of Yamuna particularly, and the residents of UP generally. It is on

these rival contentions that we have to proceed now.

20. Since the land acquisition exercise is for the Yamuna Expressway Project, it would be worthwhile to see some factual background thereof. U.P. Industrial Area Development Act, 1976 came into force on 1.4.1976. Section 3 thereof provides for constituting an authority by a notification. The object of this legislation is planned development of certain notified areas in the State by building up integrated industrial townships. The State Government is empowered thereunder to declare the industrial development area and this Act empowers the authority to acquire the land by direct purchase or through State (under the provisions of the Land Acquisition Act, 1894). It also requires preparing a Master Plan, to demarcate the sites into industrial, commercial, institutional, residential and other land use in accordance with the Master Plan. Under Section 7 of the said Act, the authority is empowered to allot its properties, by way of lease or otherwise, on such terms and conditions as it may deem fit."

Attention of the Court has also been drawn to paragraph no. 34 of the said judgment which reads as follows:

"34. The High Court has refuted all these contentions by giving good reasons. We will not go into these individual cases once the High Court has decided not to entertain these plea and, in our opinion, correctly. After all, this was an acquisition for building up a highway and the above-mentioned Writ Petitions pertained to the land required for interchange. It is obvious that the alignment of the highway cannot be changed, as its design has been prepared after consideration of so many factors by the experts in building the road. Its direction or alignment, therefore, cannot be changed, with the result, the area which is required for interchange, also cannot be changed. This is a typical example of the individual having to sacrifice his land for the public good. There can be no dispute that this road would add to the betterment of the citizens of the East Yamuna area in particular and Uttar Pradesh in general. This is apart from the fact that the majority of the persons whose lands have been acquired, have either not objected to it or have accepted the compensation without any demur. It will, therefore, not be possible for us to go into these individual grievances, which have been rightly rejected by the High Court.

35. In fact, in Balbir Singh's case, it was pointed out that out of the 12,315 affected farmers in 133 villages over the total area of 1,638 hectares of the Expressway, 11387 have already received compensation and only 142 farmers have raised the issues. The High Court has rightly held that the private interest is always affected to some extent in such large schemes requiring the acquisition of land. The High Court has rightly held that a holistic view had to be taken to look for an all round development without forgetting about our heritage, culture and traditions. We also, therefore, would not entertain the objections, feebly raised before us, individually.

45. It has been strongly argued on behalf of the State, the Company and YEIDA

that the major activity of land acquisition process is over. It has been noted in Balbir Singh's case that out of the 12,315 affected farmers in 133 villages over the total area of 1,638 hectares of the Expressway, 11387 have already received compensation and only 142 farmers out of such a large number of villages have raised the issues, leaving 139 farmers who had not taken the compensation. This is apart from the fact that only 9 Writ Petitioners came in that Writ Petition. The story in Nand Kishore's Writ Petition which was disposed of by the High Court along with other Writ Petitions is no different.

46. The learned Counsel appearing on behalf of the appellants could not deny the fact that the total number of petitioners concerned in these acquisition proceedings, coming up before the High Court, was extremely insignificant as compared to those who had accepted the compensation. Of course, that by itself may not be the only reason to hold against the appellants (petitioners), however, that fact will have to be kept in mind while deciding the issues which cover the whole acquisition process, which acquisition is for the purpose of development of 25 million square meters of land. The High Court has also noticed this aspect. We have mentioned this aspect only with a limited objective of showing that the criticism against the whole scheme which would invalidate the acquisition would be difficult to be accepted, particularly in this case, in view of the fact that majority of the land owners have parted with possession, taken the compensation and thus, the whole scheme has progressed to a substantial level, where-from it will be extremely difficult now to turn back to square one."

13. In the case of Nand Kishore Gupta (supra), the question of creation of land parcels was also considered and in this regard the attention of the Court has been drawn to the following paragraphs of the said judgment:

"56. During the debate, our attention was invited to Section 3 (f) of the Act, which contains a definition for "public purpose". It was pointed out that where the acquisition is for the Company, it cannot amount to a public purpose. There can be no dispute about this proposition that where the acquisition of land is for the companies, it cannot amount to a public purpose. It was, therefore, our endeavour to find out whether this land was for the Company and we are quite satisfied with a finding recorded by the High Court that this acquisition was not for the Company but was for the public purpose.

57. The Expressway is a work of immense public importance. The State gains advantages from the construction of an Expressway and so does the general public. Creation of a corridor for fast moving traffic resulting into curtailing the traveling time, as also the transport of the goods, would be some factors which speak in favour of the Project being for the public purpose. Much was stated about the 25 million square meters of land being acquired for the five parcels of land. In fact, in our opinion, as has rightly been commented upon by the High Court, the creation of the five zones for industry, residence, amusement etc., would be complimentary to the creation of the Expressway.

58. It cannot be forgotten that the creation of land parcels would give impetus to the industrial development of the State creating more jobs and helping the economy and thereby helping the general public. There can be no doubt that the implementation of the Project would result in coming into existence of five developed parcels/centers in the State for the use of the citizens. There shall, thus, be the planned development of this otherwise industrially backward area. The creation of these five parcels will certainly help the maximum utilization of the Expressway and the existence of an Expressway for the fast moving traffic would help the industrial culture created in the five parcels. Thus, both will be complimentary to each other and can be viewed as parts of an integral scheme. Therefore, it cannot be said that it is not a public purpose."

Attention of the Court has also been drawn in paragraph no. 71 of the said judgement which is quoted herein under:

"71. In fact, practically all the decisions on the subject of acquisition for the Company and public purpose have been considered in this judgment of Sooraram Pratap Reddy & Ors. v. District Collector, Ranga Reddy District & Ors. etc. etc. (cited supra), which itself is a locus classicus. Ultimately, this Court came to the conclusion that the acquisition made by the State of Andhra Pradesh could not be faulted, as it was in pursuance of policy decision for development of the city of Hyderabad and in pursuance of that policy, an integrated Project was taken up for development of the city of Hyderabad into a business-cum-leisure tourism infrastructure centre. The Court also came to the conclusion that the Andhra Pradesh Infrastructure and Investment Corporation (APIIC) in the reported decision was a nodal agency like YEIDA in the present case which was to generate the revenue and help the development of infrastructure for industrialization of the area. The Court also recognised that such instrumentality of State would have the power of eminent domain. Like the present case, the Court held the Project to be an integrated and indivisible Project. We have no doubt that in the present case also, the Expressway as well as the five parcels which are to be developed are part of an integrated and indivisible Project"

It has been vehemently argued that in the case of Nand Kishore Gupta (supra) the Court has held as follows:

"85. The respondents, on the other hand, argued that there was material available before the Government justifying the invocation of the urgency clause. The respondents argued that, in fact, the High Court has returned the finding that there was material before the State Government for dispensing with the enquiry under Section 5A of the Act and that finding was based on the examination by the High Court of the records of the State Government. It was pointed out that going through the ordinary procedure for acquisition of land would have taken years for disposal of the objections while land was urgently required for public purpose, in this case, the construction of interchange under the Yamuna Expressway Project, which was absolutely essential for the purposes of running the highway.

86. It was also pointed out by the respondents that because of the unnecessary litigation in the enquiries, the Project was hopelessly delayed and the cost had gone up from Rs.1,700 crores to whopping Rs.9,700 crores. It was also further pointed out that any waste of time would have invited the encroachments on the land, which would have added to the further trouble. The enormousness of the Project which required acquisition of 1,604 hectares of land involving 12,283 farmers, would have taken years if the enquiry under Section 5A was permitted and thereby, the cost would have still further soared up. Numbers of authorities were relied upon by the parties."

14. The record produced before us by the State Government enclosing the material of invoking the urgency clause and the satisfaction of the State Government on the said material has satisfied us that the State Government had sufficient material and had applied its mind to record its opinion that there was urgency to acquire the land to dispense with the enquiry under Section 5A of the Act.

15. Thus, it has been contended that there was necessity in this project considering the various reasons like enormousness of the Project, likelihood of the encroachments, number of appellants who would have required to be heard and the time taken for the purpose, and the fact that the project had lingered already from 2001 itself. The State Government was quite justified in dispensing with Section 5A of the Act. It is a fact that the satisfaction required on the part of the executive in dispensing with the enquiry under Section 5A is a matter subject to satisfaction and can be assailed only on the ground that there was no sufficient material to dispense with the enquiry or that the order suffered from malice.

16. In case of the Nand Kishore Gupta (*supra*) the Court while dealing with the issue of encroachment has observed as under:

"We are not impressed by the argument that the encroachment issue was not a relevant factor. This argument was based on the reported decision in *Om Prakash & Anr. v. State of U.P. & Ors.* (cited *supra*). It must be said that the actual scenario in that case was different. In that case, the Court was considering the acquisition of area of about 500 acres comprising of 437 plots, whereas, in the present case, the area to be acquired for the Expressway alone was more than 1,600 hectares. This is apart from the 25 million square meters of land which was liable to be acquired for the purposes of development of 5 land parcels. There was interlinking between the acquisition of land for the highway and the acquisition of land for establishing the 5 townships."

17. The Apex Court has thereafter concluded as under:

"In view of the law laid down in the last judgment on this issue i.e. *Tika Ram & Ors. etc. etc. v. State of U.P. & Ors. etc. etc.* (cited *supra*), we are of the clear opinion that the challenge by the appellants on the ground that there was no urgency and, therefore, the enquiry under Section 5A of the Act should not have

been dispensed with, cannot be accepted. We hold accordingly."

18. Thus, in view of what has been discussed above, it cannot be said that Section 5A has been wrongly dispensed with.

19. So far as the contention with regard to Section 17(1) of the Act is concerned, a Division Bench of this Court while deciding the case of Awadhesh Pratap Singh and Others v. State of U.P. and Others reported in 2012(4) ADJ 617 has observed as herein under:

"The question as to whether acquisition was lapsed under Section 11A of the Act was also one of the questions before the Full Bench in Gajraj's case (supra). The Full Bench in the said case has considered the above submission. Repelling the submission, the Full Bench laid down following in paragraphs 372 to 376:

"372. Learned counsel for the petitioners have submitted that after publication of declaration under Section 6 of the Act, in none of the cases award has been made under Section 11 within two years from the date of publication, hence, the entire proceedings for acquisition of the land has lapsed. Section 11 A of the Act is as follows:

11A. Period within which an award shall be made. (1) The Collector shall make an award under section 11 within a period of two years from the date of the publication of the declaration and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse:

Provided that in a case where the said declaration has been published before the commencement of the Land Acquisition (Amendment) Act, 1984 the award shall be made within a period of two years from such commencement.

373. Learned counsel for the respondents refuting the submission made by counsel for the petitioners contends that in all the acquisitions under challenge Section 17(1) was invoked and the possession was taken of the land after issue of notice under Section 9 and land has vested in the State under Section 17 sub Section (1) hence Section 11A has no application.

374. Learned counsel for the respondents submitted that Section 11 A applies in the cases where Section 17 has not been invoked and in cases where Section 17 has been invoked, there is no applicability of Section 11A.

375. Learned counsel for the respondents has placed reliance on the judgments of the Apex Court of 1993 Volume 4 S.C.C. Page 369 Satendra Prasad Jain v. State of U.P. and 2011 Volume 5 S.C.C. 394 Banda Development Authority v. Motilal Agarwal.

376. We have considered the submission of the learned counsel for the parties. In Satendra Prasad Jain's case the issue was considered and it was held by the Apex Court that when Section 17 sub Section (1) is applied by reason of urgency, the Government takes possession of the land prior to the making of the award under Section 11 and thereupon the owner is divested of the title to the land

which is vested in the Government as laid down in paragraph 15. The said view was reiterated by the Apex Court in *Awadh Bihari Yadav and others v. State of Bihar and others*, 1995, 6 S.C.C. Page 31. The recent judgment of *Banda Development Authority (supra)* has also occasion to consider the said issue, relying on the decision of *Satendra Prasad Jain*. The argument on the basis of Section 11A was repelled. In the present bunch of cases the State Government has invoked urgency clause under Section 17(1) and possession has been taken in all the cases exercising urgency power. The ratio laid down by *Satendra Prasad Jain*'s case is fully attracted and the submission made by the learned counsel for the petitioners on the basis of Section 11A can not be accepted."

20. It has been consistent view of the Apex Court that the action of the State authorities to go to the spot and prepare panchanama showing delivery of possession was sufficient for recording a finding that actual possession of the entire acquired land had been taken and handed over to the Banda Development Authority. The utilization of the major portion of the acquired land for the public purpose for which it was acquired is clearly indicative of the fact that actual possession of the acquired land had been taken by the BDA.

It may further be appreciated that in the case of *Satendra Prasad Jain v. State of U.P.*, the Court while considering the applicability of Section 11A in cases involving acquisition of land under Section 4 read with Section 17 of the Act had observed as under:

"15. Ordinarily, the Government can take possession of the land proposed to be acquired only after an award of compensation in respect thereof has been made under Section 11. Upon the taking of possession the land vests in the Government that is to say, the owner of the land loses to the Government the title to it. This is what Section 16 states. The provisions of Section 11A are intended to benefit the land owner and ensure that the award is made within a period of two years from the date of Section 6 declaration. In the ordinary case, therefore, when Government fails to make an award within two years of the declaration under Section 6, the land has still not vested in the Government and its title remains with the owner, the acquisition proceedings are still pending and, by virtue of the provisions of Section 11A, lapse. When Section 17(1) is applied by reason of urgency, Government takes possession of the land prior to the making of the award under Section 11 and thereupon the owner is divested of the title to the land which is vested in the Government. Section 17(1) states so in unmistakable terms. Clearly, Section 11A can have no application to cases of acquisition under Section 17 because the lands have already vested in the Government and there is no provision in the said Act by which land statutorily vested in the Government can revert to the owner."

The same view was reiterated in *Awadh Bihari Yadav v. State of Bihar*, *Pratap v. State of Rajasthan*, *Parsinni v. Sukhi* (1993) 4 LLJ 375, *Allahabad Development Authority v. Nasiruzzaman and Government of A.P.* *v. Kollutla Obi Reddy*.

Thus, in view of the aforesaid we find that the said contention has also no force and is, accordingly, rejected.

21. It may further be appreciated that 95% of the project is almost completed. The majority of tenure holders have already taken compensation and have not challenged the notification/acquisition. The petitioners constitute only 8.8 per cent of the total number of persons involved whose land has been acquired and thus they cannot be permitted to jeopardize the entire project at this belated stage.

A reliance has also been placed upon the judgment of the Hon'ble Apex Court rendered in the case of Om Prakash and another v. State of U.P. and others, 1996 (6) LLJ 1 wherein it has been held as under:

"In the said case, the land of Village Chhalera Banger then situated in District Ghaziabad was acquired for Planned Industrial Development of District Ghaziabad through Noida. The acquisition was challenged in the High Court on several grounds including the ground that inquiry under Section 5A of the Act was wrongly dispensed with and the High Court dismissed the writ petition. The matter was taken in appeal before the Apex Court. The Apex Court found that the said was not a case where power under Section 17(4) should have been invoked. The point was answered in favour of the land owners. The Court thereafter proceeded to consider as to whether in view of the finding that the inquiry under Section 5A of the Act was wrongly dispensed with, whether the notifications under Sections 4 and 6 of the Act be quashed or not. The Apex Court made following observations in paragraph 30 which is quoted below:

"30. It is also to be kept in view that the impugned notification under Section 6 of the Act was issued for the purpose of planned development of District Ghaziabad through NOIDA and by the said notification, 496 acres of land spread over hundreds of plot numbers have been acquired. Out of 494.26 acres of land under acquisition, only the present appellants owning about 50 acres, making a grievance about acquisition of their lands have gone to the court. Thus, almost 9/10th of the acquired lands have stood validly acquired under the land acquisition proceedings and only dispute centers round 1/10th of these acquired lands owned by the present appellants. It is a comprehensive project for the further planned development in the district. We are informed by learned senior counsel Shri Mohta for NOIDA, that a lot of construction work has been done on the undisputed land under acquisition and pipelines and other infrastructure have been put up. That the disputed lands belonging to the appellants may have stray complex of lands sought to be acquired. That if notification under Section 4(1) read with Section 17 (4) is set aside qua these pockets of lands then the entire development activity in the complex will come to a grinding halt and that would not be in the interest of anyone.

That we cannot permit upsetting the entire apple cart of acquisition of 500 acres only at the behest of 1/10th of land owners whose lands are sought to be

acquired. We may also keep in view the further alien fact that all the appellants have filed reference for additional compensation under Section 18 of the Act. Shri Shanti Bhushan, learned senior counsel, was right when he contended that the appellants could not have taken the risk of getting their reference applications time barred during the pendency of these proceedings. Therefore, without prejudice to their contentions in the present proceedings they have filed such references. Be that as it may., that shows that an award is also made and reference are pending. Under these circumstances for enabling the appellants to have their say regarding release of their lands on the ground that they are having abadi and that the State Policy helps them in this connection the appellants can be permitted to have their grievances voiced before the State authorities under Section 48 rather than under Section 5A of the Act at such a late stage. Consequently, despite our finding in favour of the appellants on Point No. 1, we do not think that this is a fit case to set aside the acquisition proceedings on the plea of the appellants about noncompliance with Section 5A at this late stage. it is also obvious that if on this point the notifications are quashed for noncompliance of Section 5A, that would open a pandora's box and those occupants who are uptill now sitting on the fence may also get a hint to file further proceedings on the ground of discriminatory treatment by the State authorities. All these complications are required to be avoided and hence while considering the question of exercise of our discretionary jurisdiction under Article 136 of the Constitution of India, we do not think that this is a fit case for interference in the present proceedings with the impugned notifications. Point No. 3, therefore, is answered in the affirmative against the appellants and in favour of the respondents."

Again in *Tika Ram & Ors v. State of U.P. & Ors*, (2009) 10 LLJ 689, the Court was faced with a situation where invocation of Section 5A of the Act, 1894 was held not to be justified. The Court thereafter proceeded to consider as to whether the notification deserves to be quashed or not. Following was laid down in paragraph 116 which is quoted below:

"116. In a reported decision in *Kishan Das & Ors. v. State of UP & Ors.* this Court has taken a view that where the acquisition has been completed by taking the possession of the land under acquisition and the constructions have been made and completed, the question of urgency and the exercise of power under Section 17(4) would not arise. We must notice that acquisitions in this case are of 1984-1985 and two decades have passed thereafter. The whole township has come up, the houses and the lands have been allotted, sold and resold, awards have been passed and overwhelming majority of land owners have also accepted the compensation, this includes even some of the appellants. In such circumstances we do not think that the High Court was in any way wrong in not interfering with the exercise of power under Section 17 (4) of the Act. At any rate, after the considered findings on the factual questions recorded by the High Court, we would not go into that question."

The above dictum of the apex Court laid down that acquisition for economic development and industrial growth has to be dealt in a manner that land owners do not feel alienated but welcome the acquisition. This is possible only when they are made beneficiaries of acquisition apart from normal compensation to which they may be entitled under the Act. The apex Court in (2007) 8 Supreme Court Cases 705 *Chairman, Indore Vikas Pradhikaran v. Pure Industrial Coke & Chekicals Ltd. and others* had occasion to examine the developments undertaken under *Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973*. The apex Court noticed that there are two competing interest, firstly the interest of the State, *visa vis* the general public and secondly the right of property of an individual. The apex Court observed following in paragraph 52:

"52. The Courts should, therefore, strive to find a balance of the competing interests."

The Apex Court in several judgments have directed for payment of additional compensation after finding the acquisition not in accordance with law but where the prayer of quashing the acquisition has been declined. In this context reference is made to the judgment of the apex Court in (2005) 13 Supreme Court Cases 4777 *Competent Authority v. Barangore Jute Factory & Ors.* In the aforesaid case, the acquisition of land was made under the *National Highways Act, 1956*. The apex Court found that acquisition was not in accordance with law. However, to meet the ends of justice, it was held that additional compensation be paid to the land owners to compensate them. Following was laid down in paragraph 14:

"Having held that the impugned notification regarding acquisition of land is invalid because it fails to meet the statutory requirements and also having found that taking possession of the land of the writ petitioners in the present case in pursuance of the said notification was not in accordance with law, the question arises as to what relief can be granted to the petitioners. The High Court rightly observed that the acquisition of land in the present case was for a project of great national importance, i.e. the construction of a national highway. The construction of national highway on the acquired land has already been completed as informed to us during the course of hearing. No useful purpose will be served by quashing the impugned notification at this stage. We cannot be unmindful of the legal position that the acquiring authority can always issue a fresh notification for acquisition of the land in the event of the impugned notification being quashed. The consequence of this will only be that keeping in view the rising trend in prices of land, the amount of compensation payable to the land owners may be more. Therefore, the ultimate question will be about the quantum of compensation payable to the land owners. Quashing of the notification at this stage will give rise to several difficulties and practical problems. Balancing the rights of the petitioners as against the problems involved in quashing the impugned notification, we are of the view that a better course will be to compensate the land owners, that is, writ petitioners

appropriately for what they have been deprived of. Interests of justice persuade us to adopt this course of action."

22. Another aspect of the matter is kept in mind as informed by the learned Government Advocate is to the effect that in writ petition no. 59529 of 2011 which has been filed for quashing of the notifications dated 14.09.2010 and 24.05.2011 in which dispute has been settled between the parties and an alternate land has been provided to the petitioners.

Similarly writ petition no. 55285 of 2014 has been filed praying to declare the acquisition proceedings as lapsed by application of Section 11A of the Act. Though no notification is challenged but dispute is related to notifications dated 14.9.2010 and 24.5.2011. The said writ petition was dismissed as withdrawn vide order dated 24.5.2016 against petitioner nos. 2 and 3, namely, Deewan Singh and Bhuri Singh. However, compensation has been deposited before the court vide letters dated 18.12.2014 and 31.01.2015.

Similarly writ petition no. 67115 of 2011 has been filed for quashing the notifications dated 14.9.2010 and 24.5.2011 but in the present case award could not be made due to interim order passed in the said writ petition.

Writ petition no. 4174 of 2014 has been filed for quashing the notifications dated 14.9.2010 and 24.5.2011 in which compensation has been deposited before the court vide letters dated 31.01.2015 and there is no interim order in the present case.

Writ petition no. 57209 of 2014 has been filed praying to declare the acquisition proceedings as lapsed by application of Section 11A of the Act. Though no notification is challenged but dispute is related to notifications dated 14.9.2010 and 24.5.2011 in which compensation has been deposited before the court vide letters dated 18.12.2014 and 31.01.2015.

Writ petition no. 65978 of 2014 has been filed for quashing of the award dated 30.12.2013 as well as entry made in khatauni dated 11.6.2013 in which compensation has been deposited before the court on 31.12.2014. However, no ground has been taken in the writ petition for quashing of the award.

Writ petition no. 55901 of 2014 has been filed for quashing of Section 6 of the Act and for lapsing of acquisition by application of Section 11A of Act, 1894 in which compensation has been deposited before the Court on 15.01.2015. However, in the present case petitioner nos. 2 and 3 have filed withdrawal application which was allowed on 24.5.2016.

Writ petition no. 64179 of 2014 has been filed for praying to pay compensation in accordance to the provisions of Section 24(2) of the Act, 2013 and further praying to pay compensation not less than amount proposed by S.L.O subject to consent of A.D.A in which compensation has been deposited before the Court on 15.01.2015. However, the controversy involved in the writ petition is squarely covered by the decision of this Court rendered in the case of Ishwar Chandra

Sharma v. State of U.P. And others reported in 2015(6) ADJ 762.

Writ petition no. 11045 of 2016 has been filed for quashing of the notifications dated 24.8.2009 and 13.10.2010 in which award could not be made due to interim order passed in writ petition no. 67115 of 2011 filed by the petitioners.

23. In view of what has been discussed above and also in view of the Full Bench decision of this Court rendered in the case of Gajraj and Others v. State of U.P. and Others reported in 2011(11) ADJ 1(FB), this Court finds no reason to interfere or to grant any indulgence in exercise of its equitable jurisdiction under Article 226 of the Constitution of India.

24. Thus, in the result, all the writ petition are dismissed.

25. However, even though the petitions are dismissed but liberty is given to the petitioners to approach the respondents with regard to their claim for adequate compensation.

No order as to costs.

Original record may be returned to the learned Standing counsel after obtaining endorsement on the order-sheet.