
(2010) 08 AHC CK 0397
In the Allahabad High Court

Shri Kishun and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 06-08-2010

Acts Referred:

Land Acquisition Act, 1894 — Section 4, 5A, 6

Citation : (2010) 08 AHC CK 0397

Hon'ble Judges : Vineet Saran, J; Ran Vijai Singh, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. Learned standing Counsel has accepted notice for respondents No. 1 to 3 and Sri N.N. Mishra for respondent No. 4. They pray for and are granted three weeks" time to file counter affidavit. Petitioners shall have two weeks thereafter to file rejoinder affidavit.

2. List immediately thereafter.

3. By means of this writ petition, the petitioners are challenging the notifications dated 22.6.2009 and 21.6.2010 issued under Sections 4 and 6 respectively of the Land Acquisition Act. It is contended that the enquiry u/s 5A has been dispensed with, although there was no such urgency in the matter as the declaration u/s 6 was issued after one year. It is contended that urgency clause has been invoked in a mechanical manner without application of mind, and as such, the notifications are liable to be quashed. It is further contended that the petitioners are still in possession of the land in question. In support of his submissions, the learned Counsel for the petitioners has placed reliance upon the judgment of the Apex Court in the case of Babu Ram and Another Vs. State of Haryana and Another,

4. Considering the facts and circumstances of the case and keeping in view the aforesaid submissions of learned Counsel for the petitioners, it is provided that the status-quo with regard to the nature and possession over the plot in dispute

being Plot No. 537 measuring 0.115 hectares, Plot No. 383 measuring 0.319 hectares, Plot No. 394 measuring 0.086 hectares, Plot No. 379 measuring 0.147 hectares and Plot No. 618 measuring 0.327 hectares Bak mauja Jangal bahadur ali Pargana haveli, Tehsil Sadar District Gorakhpur shall be maintained by the parties to the extent of the share of the petitioners till the next date of listing.