

ITEM NO.35

COURT NO.13

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 25963/2015

(Arising out of impugned final judgment and order dated 12-01-2015 in WP No. 62345/2014 passed by the High Court Of Judicature At Allahabad)

OM PRAKASH

PETITIONER(S)

VERSUS

KANPUR DEVELOPMENT AUTHORITY KANPUR NAGAR THR.
ITS VICE CHAIRMAN . & ORS.

RESPONDENT(S)

(I.A. Dy. No. 49962/2022- FOR SUBSTITUTION)

Date : 04-04-2022 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. Ilesh Shukla, Adv
Mr. Chetanya Singh. Adv
Ms. Ria Sachthey, Adv
Mr. Manav Jain, Adv
Mr. Chetan Sharma, Adv
M/S. Ars Associates, AOR

For Respondent(s) Mr. Abhishek Chaudhary, AOR
Mr. Amol Chitravanshi, Adv.
Ms. Pranjal Sharma, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Application for substitution is allowed.

Cause title be amended accordingly.

This Court, on 7th September 2015, passed the following order:-

"Delay condoned.

Issue notice to respondents No. 1 to 4 limited to the question whether compensation payable to the petitioner for the land acquired from him has been paid and if it has not been paid whether the same can be directed to be paid."

However, notices came to be served and counter affidavit as well as rejoinder affidavit has been filed.

The complaint of the petitioner is that the subject land Araji No. 978A of Khata No. 109 and Araji No. 965B and 978B of Village Barri, Akbarpur Bangar along with Award No. 31 was passed on 30th December, 1968 and the possession of the said land was taken over on 9th September, 1969 but the compensation of the subject land in question has not been paid so far.

This fact has been established that the compensation in terms of the land acquired was deposited by the respondents with the concerned authority, i.e. Kanpur Development Authority. This fact is not disputed after the material has come on record.

The petitioner(s) is/are at liberty to file an application for release of money before the Kanpur Development Authority. If such an application is filed, the same shall be decided by the authority on its own merits in accordance with law expeditiously within a period of three months from the date of filing of such application.

The Special Leave Petition stands disposed of in the above-said terms.

Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)
COURT MASTER (SH)

(BEENA JOLLY)
COURT MASTER (NSH)