

Bhurey Vs. State of U.P. and Another

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Court : Allahabad

Decided On : Jan-10-2001

Reported in : 2001(1)AWC686; (2001)1UPLBEC584

Judge : D.S. Sinha and ;Kamal Kishore, JJ.

Acts : [Land Acquisition Act, 1894](#) - Sections 28A; [Constitution of India](#) - Article 226

Appeal No. : C.M.W.P. No. 9055 of 1994

Appellant : Bhurey

Respondent : State of U.P. and Another

Advocate for Def. : S.K. Mehrotra and ;SC

Advocate for Pet/Ap. : Prakash Krishna, Adv.

Judgement :

D. S. Sinha, J.

1.Heard Sri Prakash Krishna, the learned counsel appearing for the petitioner, and Sri S. K. Mehrotra, the learned brief holder of the State of U. P., representing the respondents.

2. By means of instant petition under Article 226 of the [Constitution of India](#), the petitioner prays, in substance, for direction to the respondents for implementation of the order dated 31st March, 1993, passed by the Special Land Acquisition Officer, Moradabad, the respondent No. 2, in proceedings under Section 28A of the [Land Acquisition Act, 1894](#), hereinafter called the 'Act'. A copy of the said order is Annexure-2 to the petition.

3. Neither is there anything in the counter-affidavit filed on behalf of the respondents nor has anything been pointed out by the learned counsel representing the respondents which may justify the inaction on the part of the respondent No. 2 in not implementing the order dated 31st March, 1993. It cannot be gainsaid that implementation of the order passed under Section 28A of the Act is statutory duty of the authority concerned. Indeed, he is obliged to do so.

4. For what has been said above, the petition succeeds, and is allowed. The respondents, jointly and severally, shall take appropriate steps for enforcement of the order dated 31st March, 1993, (Annexure-2 to the petition), and ensure that the order is enforced in accordance with law within a period of six months, to be computed from today.

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