

Balram Yadav and Others Vs. State of U.P. and Others

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Court : Allahabad

Decided On : Nov-11-1998

Reported in : 1999(1)AWC673

Judge : D.S. Sinha and ;B.K. Sharma, JJ.

Acts : Uttar Pradesh Rural Development (Requisition of Land) Act, 1948 - Sections 3 and 9

Appeal No. : C.M.W.P. No. 29831 of 1992

Appellant : Balram Yadav and Others

Respondent : State of U.P. and Others

Advocate for Def. : S.C.

Advocate for Pet/Ap. : Narsingh Dixit, Adv.

Judgement :

D.S. Sinha, J.

1. Heard Sri Nar Singh Dixit. the learned counsel appearing for the petitioners and Sri Vinay Malviya, learned standing counsel, representing the respondents. The grievance of the petitioners is that they have not been awarded any compensation and damages in lieu of requisition of their land and damage done to the standing

crop thereon under the provisions of U. P. Rural Development (Requisition of Land) Act. 1948 (hereinafter called the Act).

2. Where any land is requisitioned under Section 3 of the Act, there shall be paid to every person interested such compensation as may be agreed upon in writing between the person and the Requisitioning Authority in respect of the requisition of his land, and any damage done during the period of requisition to such land other than that which may have been sustained by natural causes. If no agreement, as is envisaged in Section 3 of the Act, is arrived at for such compensation, the Requisitioning Authority is obliged to refer the matter with his recommendation as to the amount of compensation and the reasons therefor to the Compensation Officer and direct the person claiming compensation to appear before him on a specified date. The Compensation Officer may, after due enquiry and giving opportunity of hearing to the person concerned, determine the amount of compensation.

3. From the pleadings contained in the writ petition, it is not clear whether the Requisitioning Authority and the petitioners disagreed upon the question of compensation or, following the disagreement, if any, the Requisitioning Authority made any reference to the Compensation Officer. Under these circumstances, it is not possible for this Court to come to the rescue of the petitioners. The petitioners would be better advised to approach the Requisitioning Authority and put forth before him their claim for compensation for requisition and damage. In case, no agreement between them and the Requisitioning Authority is arrived at, the petitioners may require the Requisitioning Authority to refer the matter to the Compensation Officer in accordance with the provision of Section 9 of the Act.

4. Subject to the observations made above, the petition shall stand disposed of finally. The interim order/orders, stands vacated.