

IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN BENCH AT JAIPUR.

ORDER

S.B. CIVIL WRIT PETITION No.4742/2013.

Mohammed Raesh Farooqui & Ors.
Vs.
Union of India & Ors.

Date of Order :- November 29, 2013.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Dinesh Kumar Garg for the petitioners.

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BY THE COURT:-

Contention of the learned counsel for the petitioners is that land of the petitioners in Khasra No.158 measuring 65x32 feet total 213 square meters was initially acquired and petitioner was paid compensation thereof. Subsequently, remaining land measuring 65x23 feet total 107 square meters was again acquired, which fact is evident from the report of the Tehsildar Dholpur dated 30/11/2011 (Ann.3). Land was additionally acquired for the proposed construction of a road and nala. Despite report of the Tehsildar being placed before the competent authority, compensation in lieu of that additionally acquired land has not been paid to the petitioner. The competent authority has failed to correctly appreciate the aforesaid report and

has stated that a restaurant is being run on such land, whereas restaurant is on the own land of the petitioners, which is other than the aforesaid land measuring $65 \times 55 = 3575$ square feet, which is equivalent to 332 square meter.

Having regard to the facts aforesaid, petitioners are required to approach the competent authority, who shall have the site inspected and make actual determination and extent of the land of the petitioners, which according to them has been used for construction of the road and nala. If that land of the petitioners is actually found used by the National Highway Authority of India, he is legitimately entitled to receive compensation. The competent authority is directed to undertake such examination and pass fresh orders within three months from date of petitioners approaching it.

With that direction, writ petition is disposed of.

(MOHAMMAD RAFIQ), J.

Anil/134

All corrections made in the judgment/order have been incorporated in the judgment/order being e-mailed
Anil Kumar Goyal
Sr.P.A. Cum JW