

Court No. - 3

Case :- WRIT - C No. - 24891 of 2017

Petitioner :- Hari Ram Singh @ Hari Ram Saini

Respondent :- State Of U.P. & 3 Others

Counsel for Petitioner :- Veer Singh

Counsel for Respondent :- C.S.C.,Pranjal Mehrotra

Hon'ble Krishna Murari,J.

Hon'ble Ravindra Nath Kakkar,J.

Heard learned counsel for the petitioner.

Dispute is in respect of plot no. 290M area 0.8810 hectare situate in village Kishunpur, Tehsil Koil, district Aligarh. It is alleged that out of the said plot an area 0.1707 hectare was acquired for construction of houses under the scheme of 'Swarn Jayanti Awas Scheme' for Aligarh Development Authority. Notification under Section 4 of the Land Acquisition Act, 1894 is said to have been published on 22.1.1997 and declaration under Section 6 is said to be made on 19.1.1998.

It is contended by learned counsel for the petitioner that neither possession of the land was taken by Aligarh Development Authority nor any compensation was paid. To support the aforesaid argument, attention of the Court has been drawn to annexure-4 to the writ petition, which is a letter written by the Vice Chairman of the Development Authority addressed to the Awas Bandhu' informing that possession of plot no.290M could not be utilized for construction purposes on account of illegal occupation and construction standing thereon. Despite the fact that the land could not be utilized for construction purposes and in view of the provisions of Section 17 of the U.P. Awas Evam Vikas Nagar Niyojan Adhiniyam, 1990 prescribing that if the purpose of the acquisition could not be completed within five years, the land is liable to be returned to the land owner, a prayer has been made to command the respondents to return the land to the petitioner.

Learned Standing Counsel, on the basis of the instruction, states that based on the same facts claiming the same relief, petitioner and certain other persons have filed O.S. No. 185 of 2013 before the Civil Judge (Senior Division), Aligarh against Aligarh Development Authority which is pending.

Since the petitioner has already approached the civil court and filed a suit based on the same cause of action and seeking identical relief and the fact has not been disclosed in the writ petition, we are not inclined to entertain the writ petition and interfere in the matter.

Writ petition fails and accordingly stands dismissed.

Order Date :- 30.5.2017

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