

Court No. - 2

Case :- WRIT - C No. - 6192 of 2025

Petitioner :- Jugrani

Respondent :- State Of U.P. Thru. Secy. Deptt. Of Revenue
Lko. And 6 Others

Counsel for Petitioner :- Amit Chandra, Manoj Kumar
Tripathi, Pancham Srivastava

Counsel for Respondent :- C.S.C., Shishir Jain

Hon'ble Alok Mathur, J.

Hon'ble Shree Prakash Singh, J.

1. Heard Sri Amit Chandra, learned counsel for the petitioner, learned Standing counsel on behalf of the State-respondents.

2. By means of this petition, the petitioner has prayed to stay the effect and operation of the impugned Notices dated 06.05.2025 and 05.06.2025 issued by the respondent no. 5 and further restrain the respondents from depositing the amount of compensation in the Treasury, District- Gonda, and/or pass any such other order or direction which this Hon'ble Court deems just and proper in the interest of justice.

3. It is submitted by counsel for the petitioner that under the provision of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the land of the petitioner situated at Gata No. 831 and 832 at Village- Jankinagar Gramin, Pargana, Tehsil and District- Gonda wherein, the petitioner is a shareholder, has been acquired by the State. After the acquisition, the respondents have also computed the compensation considering the land to be agricultural land and the award under section 23 of the said Act has been made in favour of the petitioner.

4. In the aforesaid circumstances, the petitioner approach this Court challenging the notice for payment of compensation dated 06.05.2024 and also for quashing the award declared on 25.04.2025 and further seeks a direction to the respondents to re-compute the entire compensation treating the required land as commercial rather than agricultural.

5. Learned Standing counsel for the State-respondents has opposed the writ petition and submits that under the aforesaid Act, specific statutory provision has been made for assailing the award under section 73 before the District Judge. He submits that the grievance of the petitioner can be adequately considered and decided by the District Judge and therefore, the

petitioner has equally efficacious remedy with regard to the grievance raised in the present writ petition.

6. Considering the rival submissions of learned counsel for the parties, it is noticed that the grievance raised by the petitioner in the present case, is only with regard to the nature of land which has been acquired by the respondents.

7. The issue which has been raised by the petitioner can be adequately considered by the District Judge in exercise of powers under section 73 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

8. In this regard, the authority under section 73 would consider the material available and adduced by the petitioner which can demonstrate his case and only thereafter, any order can be passed for enhancement of compensation.

9. Accordingly, this Court is of the considered view that where any statute has provided special mechanism for redressal of disputes, ordinarily, the parties should be relegated to the same, unless and until it can be demonstrated that the orders have been passed in-violation of Part III of the Constitution of India.

10. In the present case, it is not the case of the petitioner that without giving any opportunity, the order has been passed, but the petitioner assails the award only on the erroneous determination of the land being agricultural land.

11. Accordingly, the petitioner is relegated to statutory remedy under section 73 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

12. It is provided that in case, such an application is moved efficaciously say, within a period of three weeks, the District Judge shall consider and decide the same in accordance with law, expeditiously.

13. The writ petition is **disposed of** accordingly.

(Shree Prakash Singh,J.) (Alok Mathur,J.)

Order Date :- 30.6.2025

Mayank