

Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2365 of 2024

Petitioner :- Khem Chand and another

Respondent :- State of U.P. and 5 others

Counsel for Petitioner :- Anil Kumar Dubey,Prabha Shanker Pandey

Counsel for Respondent :- Seema Agarwal. S.C., Pranjali Mehrotra

Hon'ble Arun Bhansali,Chief Justice

Hon'ble Kshitij Shailendra,J.

1. This petition purportedly in public interest has been filed by the petitioners seeking a direction to the respondents authorities to recover the amount of compensation of the land which has been received by unauthorized persons, who had purchased the land after notification issued under Section 3-A of the National Highways Authority Act, 1956 ('the Act').

2. Submission has been made that after issuance of notification, land was purchased by certain unauthorized persons in violation of provisions of the Act and thereafter, compensation has been received by them and after holding of arbitral proceedings, the enhanced compensation was also received by them and therefore, the respondents be directed to recover the amount from them and pay the same to the farmers.

3. A perusal of the entire record indicates that certain complaints were made in the year 2017, which also led to filing of an FIR with regard to the allegations made. Nothing has been placed on record to indicate the outcome of the FIR lodged in the year 2017. Further, after 2017 by filing a purported representation on

22.3.2024, the present petition has been filed purportedly in the interest of the farmers. As to what steps have been taken except for the cursory representation in 2024 after a gap of 7 years and under whose instructions the petitioners, have filed the petition, is totally unknown.

4. Once the proceedings have taken place and on the allegations made, the FIR has been registered outcome of which is not known, filing of the present petition seeking a direction for payment of the amount of compensation to the farmers when admittedly the Development Authority has already made payment based on the award and arbitral award to those, who were recorded as Khatedars, may be they are purported transferees in violation of the provisions of the Act, the direction to make payment all over again to the farmers, who have transferred the land and have not come forward, cannot be countenanced.

5. The petition is, therefore, **dismissed**.

Order Date :- 11.2.2025
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(Kshitij Shailendra, J) (Arun Bhansali, CJ)