

Radha Charan Singh And 2 Others vs State Of U.P. And 5 Others on 2 January, 2025

Author: Manoj Kumar Gupta

Bench: Manoj Kumar Gupta

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:69-DB

Court No. - 21

Case :- WRIT - C No. - 42774 of 2024

Petitioner :- Radha Charan Singh And 2 Others

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Jitendra Pal Singh

Counsel for Respondent :- C.S.C.,Devesh Kumar Sharma

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Anish Kumar Gupta,J.

1. The petitioners have assailed the validity of a notice dated 21.10.2024 issued to them by respondent no. 3 requiring them to refund excess compensation amount paid to them towards acquisition of their land. The order recites that they were paid compensation as per report of Tehsildar, Mawana dated 21.06.2023. It seems that thereafter the private respondent no. 6 made a complaint and on the said complaint a report from S.D.M. Mawana was called for. He submitted his report on 07.09.2024 and in which he mentioned that excess payment had been made to the petitioners.

2. Counsel for the petitioners submits that the impugned order is wholly exparte. The petitioners were not supplied the report of S.D.M. dated 07.09.2024 nor given any opportunity to place their version on record. Specific assertion in this regard has been made in paragraph-15 of the writ petition.

3. Sri Rajiv Gupta, learned Additional Chief Standing Counsel concedes that the impugned order does not reveal that any notice was given to the petitioners or their explanation was sought for. He suggests that the petitioners may be granted liberty to submit their explanation and the third respondent be directed to take a fresh decision.

4. Learned counsel for the respondent no. 6 also does not object to the said course being adopted.

5. Since the impugned order is stated to be an exparte order and therefore, we quash the same.

6. The impugned order would be treated to be a show cause notice and the petitioners would submit reply against the same within three weeks along with true attested copy of the instant order. In case, the petitioners move any application before respondent no. 3 for being supplied with copy of the relevant reports, the same shall be provided to them by respondent no. 3 within three days from the receipt of the application. It shall also be open to the respondent no. 6 to submit his reply/objection to the representation as may be filed by the petitioners. The respondent no. 3 will thereafter take final decision in the matter within next eight weeks.

7. The petition stands disposed of accordingly.

(Anish Kumar Gupta, J.) (Manoj Kumar Gupta, J.) Order Date :- 2.1.2025 gp