

# **Ranjeet Pandey vs State Of U.P. And 4 Others on 31 January, 2025**

**Author: Manoj Kumar Gupta**

**Bench: Manoj Kumar Gupta**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:14511-DB

Court No. - 21

Case :- WRIT - C No. - 144 of 2025

Petitioner :- Ranjeet Pandey

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Upendra Kumar Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Anish Kumar Gupta,J.

1. The instant petition has been filed praying for a writ of mandamus commanding respondent no. 2 to release the property of the petitioner, i.e. one-sixth share in Gata No. 183, area 0.214 hectare or pay compensation along with interest as per current market value and to comply with the order of Deputy Secretary, Government of U.P., Lucknow, dated 13.7.2024, passed on the application of the petitioner.

2. The case of the petitioner is that his father, namely Sita Ram and his brother Banwari, were original tenure holders of Gata No. 183, area 0.0214 hectare (new Gata No. 916). Banwari sold his half share by means of registered sale deed in favour of various persons. Remaining half share in the said land belonging to Sita Ram was inherited by his sons, namely Ranjeet (the petitioner herein), Shivasharya and Ramasharya. Each had one-sixth share in the said property. On 1.7.2006, Ramasharya sold his one-sixth share in favour of the State Government for construction of Government Medical College and Super Speciality Hospital. The State Government, under garb of the said sale deed, took possession of the entire land. The petitioner has been making request for handing back possession of his share of land, or to pay compensation therefor to the him, but to no avail. He moved an application before the State Government on 15.5.2024. The Deputy Secretary, Government of U.P., Lucknow vide communication dated 16.7.2024, addressed to District Magistrate, Azamgarh, directed him to take required measures. It is submitted that despite the said direction, the respondents have neither restored possession of the share of the petitioner in the land, nor has paid him any compensation.

3. Learned Standing Counsel has placed on record the written instructions received from the Principal, Government Medical College, Azamgarh. It is admitted therein that one-sixth share of the brother of the petitioner in Gata No. 916 was purchased by the State. It is also mentioned that in respect of remaining land, no acquisition was ever made and therefore, there is no question of payment of any compensation. It is further stated that no application for payment of compensation has been received in his office so far.

4. Sri Rajiv Gupta, learned Additional Chief Standing Counsel, submits on basis of said instructions, that since the respondents have only obtained sale deed with respect to the share of the brother of the petitioner and the share of the petitioner has not been acquired, therefore, there is no question of payment of compensation. Thus, according to him, the remaining land continues to be owned by the petitioner. He further submits that the State would ensure that the remaining land belonging to the petitioner is demarcated so as to set at rest the entire controversy.

5. Having regard to the stand taken in the written instructions and the submissions made by learned Additional Chief Standing Counsel, we dispose of the instant petition by providing that the share of the petitioner in the remaining land shall be demarcated in presence of the petitioner and other co-sharers within twelve weeks from the date of communication of the instant order to the District Magistrate, Azamgarh (respondent no. 2).

(Anish Kumar Gupta, J.) (Manoj Kumar Gupta, J.) Order Date :- 31.1.2025 Jaideep/-