

Court No. - 29

Case :- WRIT - C No. - 2121 of 2022

Petitioner :- Bhikari And 12 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Navin Kumar

Counsel for Respondent :- C.S.C.,Kaushalendra Nath Singh

Hon'ble Pritinker Diwaker,J.

Hon'ble Dr. Yogendra Kumar Srivastava,J.

1. Heard Sri Navin Kumar, learned counsel for the petitioners, Sri Kaushalendra Nath Singh, learned counsel for the respondent no.3 and learned Standing Counsel for the State.

2. The present writ petition has been filed seeking a direction to the respondents to allot 5% developed land in terms of the Full Bench decision of this Court in **Gajraj Singh and others Vs. State of U.P. and others¹**.

3. The petitioners claim to be owners of khata no. 45 khasra no. 328 area 0.158 hectares situate in Village Sorkha Zahidabad, Pargana and Tehsil Dadri, District Gautam Budh Nagar which were subject matter of acquisition proceedings in terms of notification dated 12.04.2005 issued under Section 4 (1)/17(4), and the notification dated 27.07.2006 issued under Section 6/17 (1) of the Land Acquisition Act, 1894. The petitioners admit to have accepted the compensation amount.

4. The petitioners have specifically stated that they did not challenge the land acquisition proceedings. The writ petition is also silent as to whether the notifications under which the land of the petitioners was acquired, were under challenge in the bunch of writ petitions which were decided along with the case of **Gajraj Singh and others**.

¹ 2011 (11) ADJ 1 (FB)

5. Learned counsel appearing for the State respondents and also the learned counsel for the Noida Authority have submitted that the benefit granted by the Full Bench in the case of **Gajraj Singh and others** would not be applicable to the case of the petitioners for the reason that the petitioners were neither parties in the writ petitions which had been decided along with the case of **Gajraj Singh and others** nor there is any assertion by the petitioners that the notifications under which their land had been acquired were subject matter of challenge in the case of **Gajraj Singh and others**. Further more, it has been submitted that in terms of the direction contained in the Full Bench judgment, the Noida Authority had taken a decision not to allot the abadi plot to the extent of 10% to those land owners who had not approached the writ court and had not challenged the acquisition proceedings.

6. It may be noticed that in the case of **Gajraj Singh and others**, the writ petitions challenging the notifications in respect of land acquisition proceedings with respect to tracts of land situate in different villages of Greater Noida and Noida were decided and the writ petitions were disposed of in terms of the following directions :-

"481. As noticed above, the land has been acquired of large number of villagers in different villages of Greater Noida and Noida. Some of the petitioners had earlier come to this Court and their writ petitions have been dismissed as noticed above upholding the notifications which judgments have become final between them. Some of the petitioners may not have come to the Court and have left themselves in the hand of the Authority and State under belief that the State and Authority shall do the best for them as per law. We cannot loose sight of the fact that the above farmers and agricultures/owners whose land has been acquired are equally affected by taking of their land. As far as consequence and effect of the acquisition it equally affects on all land losers. Thus land owners whose writ petitions have earlier been dismissed upholding the notifications may have grievances that the additional compensation which was a subsequent event granted by the Authority may also be extended to them and for the aforesaid, further spate of litigation may start in so far as payment of additional compensation is concerned. In the circumstances, we leave it to the Authority to take a decision as to whether the benefit of additional compensation shall also be extended to those with regard to whom the

notifications of acquisition have been upheld or those who have not filed any writ petitions. We leave this in the discretion of the Authority/State which may be exercised keeping in view the principles enshrined under Article 14 of the Constitution of India.

482. In view of the foregoing conclusions we order as follows:

1. The Writ Petition No. 45933 of 2011, Writ Petition No. 47545 of 2011 relating to village Nithari, Writ Petition No. 47522 of 2011 relating to village Sadarpur, Writ Petition No. 45196 of 2011, Writ Petition No. 45208 of 2011, Writ Petition No. 45211 of 2011, Writ Petition No. 45213 of 2011, Writ Petition No. 45216 of 2011, Writ Petition No. 45223 of 2011, Writ Petition No. 45224 of 2011, Writ Petition No. 45226 of 2011, Writ Petition No. 45229 of 2011, Writ Petition No. 45230 of 2011, Writ Petition No. 45235 of 2011, Writ Petition No. 45238 of 2011, Writ Petition No. 45283 of 2011 relating to village Khoda, Writ Petition No. 46764 of 2011, Writ Petition No. 46785 of 2011 relating to village Sultanpur, Writ Petition No. 46407 of 2011 relating to village Chaura Sadatpur and Writ Petition No. 46470 of 2011 relating to village Alaverdipur which have been filed with inordinate delay and laches are dismissed.

2. (i) The writ petitions of Group 40 (Village Devla) being Writ Petition No. 31126 of 2011, Writ Petition No. 59131 of 2009, Writ Petition No. 22800 of 2010, Writ Petition No. 37118 of 2011, Writ Petition No. 42812 of 2009, Writ Petition No. 50417 of 2009, Writ Petition No. 54424 of 2009, Writ Petition No. 54652 of 2009, Writ Petition No. 55650 of 2009, Writ Petition No. 57032 of 2009, Writ Petition No. 58318 of 2009, Writ Petition No. 22798 of 2010, Writ Petition No. 37784 of 2010, Writ Petition No. 37787 of 2010, Writ Petition No. 31124 of 2011, Writ Petition No. 31125 of 2011, Writ Petition No. 32234 of 2011, Writ Petition No. 32987 of 2011, Writ Petition No. 35648 of 2011, Writ Petition No. 38059 of 2011, Writ Petition No. 41339 of 2011, Writ Petition No. 47427 of 2011 and Writ Petition No. 47412 of 2011 are allowed and the notifications dated 26.5.2009 and 22.6.2009 and all consequential actions are quashed. The petitioners shall be entitled for restoration of their land subject to deposit of compensation which they had received under agreement/award before the authority/Collector.

2 (ii) Writ petition No. 17725 of 2010 Omveer and others Vs. State of U.P. (Group 38) relating to village Yusufpur Chak Sahberi is allowed. Notifications dated 10.4.2006 and 6.9.2007 and all consequential actions are quashed. The petitioners shall be entitled for restoration of their land subject to return of compensation received by them under agreement/award to the Collector.

2(iii) Writ Petition No.47486 of 2011 (Rajee and others vs. State of U.P. and others) of Group-42 relating to village Asdullapur is allowed. The notification dated 27.1.2010 and 4.2.2010 as well as all subsequent proceedings are quashed. The petitioners shall be entitled to restoration of their land.

3. All other writ petitions except as mentioned above at (1) and (2) are disposed of with following directions:

(a) The petitioners shall be entitled for payment of additional compensation to the extent of same ratio (i.e. 64.70%) as paid for village Patwari in addition to the compensation received by them under 1997 Rules/award which payment shall be ensured by the Authority at an early date. It may be open for Authority to take a decision as to what proportion of additional compensation be asked to be paid by allottees. Those petitioners who have not yet been paid compensation may be paid the compensation as well as additional compensation as ordered above. The payment of additional compensation shall be without any prejudice to rights of land owners under section 18 of the Act, if any.

(b) All the petitioners shall be entitled for allotment of developed Abadi plot to the extent of 10% of their acquired land subject to maximum of 2500 square meters. We however, leave it open to the Authority in cases where allotment of abadi plot to the extent of 6% or 8% have already been made either to make allotment of the balance of the area or may compensate the land owners by payment of the amount equivalent to balance area as per average rate of allotment made of developed residential plots.

4. The Authority may also take a decision as to whether benefit of additional compensation and allotment of abadi plot to the extent of 10% be also given to;

(a) those land holders whose earlier writ petition challenging the notifications have been dismissed upholding the notifications; and

(b) those land holders who have not come to the Court, relating to the notifications which are subject matter of challenge in writ petitions mentioned at direction No.3.

5. The Greater NOIDA and its allottees are directed not to carry on development and not to implement the Master Plan 2021 till the observations and directions of the National Capital Regional Planning Board are incorporated in Master Plan 2021 to the satisfaction of the National Capital Regional Planning Board. We make it clear that this direction shall not be applicable in those cases where the development is being carried on in accordance with the earlier Master Plan of the Greater NOIDA duly approved by the National Capital Regional Planning Board.

6. We direct the Chief Secretary of the State to appoint officers not below the level of Principal Secretary (except the officers of Industrial Development Department who have dealt with the relevant files) to conduct a thorough inquiry regarding the acts of Greater Noida (a) in proceeding to implement Master Plan 2021 without approval of N.C.R.P. Board, (b) decisions taken to change the land use, (c) allotment made to the builders and (d) indiscriminate proposals for acquisition of land, and thereafter the State Government shall take appropriate action in the matter."

7. Pursuant to the directions issued under paragraph 482 (4) of the judgment in the case of **Gajraj Singh and others** the

respondent authority took a decision in its Board meeting for paying additional compensation to the extent of 64.70% to all land owners whether they had challenged the notifications or not. A decision was also taken not to allot abadi plot to the extent of 10% to those land owners who had not approached the writ court and had not questioned the acquisition proceedings. This decision of the authority was based on the fact that such huge area of developed abadi land was not available so as to allot it to all such persons who did not approach the Court.

8. The contention of the petitioners that irrespective of the fact whether the notifications issued in respect of land acquisition proceedings were under challenge along with the bunch of cases decided by the Full Bench they should be granted the same benefit regarding developed abadi plot as was granted by the Full Bench is liable to be rejected, for the reason that in the case of **Gajraj Singh and others** the Full Bench granted relief to the petitioners and to such persons whose earlier writ petitions challenging the notifications had been dismissed or who had not come to the Court challenging the notifications which were subject matter of challenge in the writ petitions, in view of the peculiar facts of the case having regard to the extensive development which had taken place subsequent to the acquisition proceedings, and also that the Supreme Court in the case of **Savitri Devi vs. State of U.P. and others**² had made it clear that the directions issued by the Full Bench shall not be treated as a precedent in future cases.

9. We may also refer to the case of **Mange @ Mange Ram Vs. State of U.P. and others**³, where in a similar set of facts, certain petitioners, whose lands had been acquired under notifications, which were challenged not by the petitioners but by other similarly situate landowners, filed writ petitions in the year

² (2015) 7 SCC 21

³ 2016 (8) ADJ 79 (DB)

2016 praying that they being similarly situate with those landowners, who had filed writ petitions and challenged the acquisition proceedings, were also entitled to claim the same relief, which had been granted to the writ petitioners in terms of the judgment in the case of **Gajraj Singh and others** and upheld in the case of **Savitri Devi**. The claim raised by the petitioners therein was turned down by this Court after recording a conclusion that the benefit granted by the Full Bench in the case of **Gajraj Singh and others** cannot be extended to the petitioners even though they may be similarly situate and the action of the respondents in not giving additional developed abadi land was neither arbitrary nor discriminatory. The observations made in the judgment are as follows :-

“11. Having heard the learned counsel for the parties and having perused the direction given by the Full Bench in Gajraj's case (supra) as well as the decision of the Supreme Court in Savitri Devi (supra), we find that the judgment of the Full Bench was affirmed by the Supreme Court in Savitri Devi (supra). While affirming the decision, the direction of the Full Bench in paragraph 484(4) to the authority to consider the case for payment of additional compensation and allotment of developed abadi plot to those land owners, who had not challenged the acquisition proceedings or whose writ petitions were dismissed earlier was also affirmed by the Supreme Court. Based on such direction, the authority took a decision to pay additional compensation to all the land owners irrespective of the fact as to whether they had challenged the acquisition proceedings or not. But with regard to allotment of developed abadi land, the authority took a decision not to allot to those land owners, who had not approached the writ Court on the ground that they have no developed land to allot to these land owners. The fact that the authority does not have any developed land for allotment has not been disputed as no rejoinder affidavit has been filed nor any evidence has been brought on record. We also find that such decision taken by the Board is neither arbitrary nor discriminatory.

12. The Full Bench in order to save the acquisition proceedings had issued the direction for payment of additional compensation and for allotment of developed abadi plots in the extenuating facts and circumstances of the case. The Supreme Court acceded to the said consideration holding that the Full Bench was justified in issuing such directions in the peculiar facts and circumstances of the case and in order to save the acquisition proceedings from the vice of arbitrariness. The Supreme Court while affirming the decision of the Full Bench categorically held that the said decision would not be treated to form a precedent for future cases. The Supreme Court held:

"50. Keeping in view all these peculiar circumstances, we are of the opinion that these are not the cases where this Court should interfere under Article 136 of the Constitution. However, we make it clear that directions of the High Court are given in the aforesaid unique and peculiar/specific background and, therefore, it would not form precedent for future cases."

13. Thus, we are of the opinion that the ratio decendi of the Full Bench cannot be applied to similarly situated persons. The said benefit given by the Full Bench cannot be extended to the petitioners, even though they may be similarly situated and their land had been acquired under the same notification.

14. We are of the view that the action of the respondents in not giving additional developed abadi land to the petitioners is neither arbitrary nor discriminatory, especially when there is no evidence to dispute the fact that the respondents have no developed land with them for allotment."

10. The aforementioned judgment in the case of **Mange @ Mange Ram Vs. State of U.P. and others** decided along with other connected matters was subjected to challenge before the Supreme Court and came to be decided in terms of the judgment in **Khatoon and others Vs. State of U.P. and others**⁴.

11. The question as to whether the landowners were entitled to claim benefit of the judgment passed by the Full Bench in the case of **Gajraj Singh and others**, which had been upheld in the case of **Savitri Devi**, insofar as it related to allotment of additional abadi plot was considered by the Supreme Court in aforementioned case of **Khatoon and others** and the contention sought to be raised on the basis of the principles underlying Article 14 of the Constitution was repelled after taking notice of the fact that insofar as allotment of abadi plot is concerned the High Court in the case of **Gajraj Singh and others** had confined the relief only to the petitioners therein and for other landowners the matter was left to discretion of the authority concerned which had declined to extend the said relief. It was held that the appellants had neither any legal right nor any factual foundation to claim the relief of allotment of additional developed abadi plot.

4 (2018) 14 SCC 346

Furthermore, it was taken note of that the relief in the case of **Gajraj Singh** was granted by the High Court in exercise of its extraordinary jurisdiction under Article 226 and was confined to the petitioners therein, and even the Supreme Court in **Savitri Devi** case held that said directions were not to be treated as precedent and were limited only to the facts obtaining in that case. The relevant observations made in the judgment in the case of **Khatoun and others** are being extracted below :-

"16. In other words, the case of the appellant writ petitioners before the High Court was that the reliefs, which were granted to the landowners by the Full Bench in Gajraj case and affirmed by this Court in Savitri Devi case be also granted to the appellants because their lands were also acquired in the same acquisition proceedings in which the lands of the writ petitioners of Gajraj case was acquired. In effect, the relief was prayed on the principles of parity between the two landowners qua State.

17. It is, however, pertinent to mention that so far as the direction of the High Court to award additional compensation payable @ 64.70% was concerned, the same was already implemented by the State by paying the compensation to all the landowners including the appellants without any contest.

18. In this view of the matter, the only question before the High Court in the appellants' writ petitions that remained for decision was as to whether the appellants are also entitled to claim the relief of allotment of developed abadi plot to the extent of 10% of their acquired land subject to maximum of 2500 Sq.M.in terms of the judgment in Gajraj case and Savitri Devi case.

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36. Therefore, the only question that now survives for consideration in these appeals is whether the appellants are entitled to get the benefit of second direction issued by the High Court in Gajraj, namely, allotment of developed abadi plot to the appellants.

37. In our considered opinion, the appellants are not entitled to get the benefit of the aforementioned second direction and this we say for the following reasons.

38. First, the High Court in Gajraj had, in express terms, granted the relief of allotment of developed abadi plot confining it only to the landowners, who had filed the writ petitions. In other words, the High Court while issuing the aforesaid direction made it clear that the grant of this relief is confined only to the writ petitioners [see conditions 3(a) and (b)].

39. Second, so far as the cases relating to second category of landowners, who had not challenged the acquisition proceedings (like the appellants herein) were concerned, the High Court dealt with their cases separately and accordingly issued directions which are contained in conditions 4(a) and (b) of the order.

40. In conditions 4(a) and (b), the High Court, in express terms, directed the Authority to take a decision on the question as to whether the Authority is willing to extend the benefit of the directions contained in conditions 3(a) and (b) also to second category of landowners or not.

41. In other words, the High Court, in express terms, declined to extend the grant of any relief to the landowners, who had not filed the writ petitions and instead directed the Authority to decide at their end as to whether they are willing to extend the same benefit to other similarly situated landowners or not.

42. It is, therefore, clear that it was left to the discretion of the Authority to decide the question as to whether they are willing to extend the aforesaid benefits to second category of landowners or not.

43. Third, as mentioned supra, the Authority, in compliance with the directions, decided to extend the benefit in relation to payment of an additional compensation @ 64.70% and accordingly it was paid also. On the other hand, the Authority declined to extend the benefit in relation to allotment of developed abadi plot to such landowners.

44. Fourth, it is not in dispute, being a matter of record, that when the Authority failed to extend the benefit regarding allotment of additional abadi plot to even those landowners in whose favour the directions were issued by the High Court in Gajraj and by this Court in Savitri Devi, the landowners filed the contempt petition against the Authority complaining of non-compliance with the directions of this Court but this Court dismissed the contempt petition holding therein that no case of non-compliance was made out.

45. In our view, the appellants have neither any legal right and nor any factual foundation to claim the relief of allotment of additional developed abadi plot. In order to claim any mandamus against the State for claiming such relief, it is necessary for the writ petitioners to plead and prove their legal right, which should be founded on undisputed facts against the State. It is only then the mandamus can be issued against the State for the benefit of writ petitioners. Such is not the case here.

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47. One cannot dispute that the Act does not provide for grant of such reliefs to the landowners under the Act. Similarly, there is no dispute that the State paid all statutory compensation, which is payable under the Act, to every landowner. Not only that every landowner also got additional compensation @ 64.70% over and above what was payable to them under the Act.

48. The reliefs in Gajraj were granted by the High Court by exercising extraordinary jurisdiction under Article 226 of the Constitution and keeping in view the peculiar facts and circumstances arising in the case at hand. They were confined only to the landowners, who had filed the writ petitions. Even this Court in Savitri Devi case held that the directions given be not treated as precedent for being adopted to other cases in future and they be treated as confined to that case only.

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51. In our opinion, therefore, there is no case made out by the appellants for grant of any relief much less the relief of allotment of additional developed abadi plot. If we entertain the appellants' plea for granting them the relief then it would amount to passing an order contrary to this Court's directions contained in para 50 of the order passed in Savitri Devi case."

12. The question as to whether the benefit of the directions issued by the Full Bench in the case of **Gajraj Singh and others** for providing additional compensation to the extent of 64.70% and developed abadi plot to the extent of 10% of the land acquired was liable to be extended to such tenure holders also whose lands were not acquired in terms of the notifications which were under challenge in the case of **Gajraj Singh and others**, has also been considered by a coordinate Division Bench of this Court in the case of **Smt. Rameshwari and 3 others Vs. State of U.P. and 2 others**⁵ and in terms of judgment dated 3.5.2017, it has been held as follows :-

“A perusal of the Full Bench judgement in the case of Gajraj Singh (Supra) goes to show that in order to save the acquisition proceedings, direction for payment of additional compensation and allotment of developed abadi plot was issued in peculiar facts and circumstances, particularly, the fact that extensive development had taken place even though the Full Bench found that opportunity to file objection under Section 5A Act had been wrongly denied to the tenure holders. However, the benefit extended to the land owners in lieu of saving the acquisition proceedings, even though the same were found to be illegal and liable to be quashed, was restricted to the acquisition proceedings challenged before it.

However, the question of extending the benefits of additional compensation and allotment of developed abadi plot to such land holders whose challenge to the land acquisition notification already stood dismissed or such land holders who did not approach this Court challenging the land acquisition notification though the said notifications were subject matter of challenge before the Full Bench,

5 Writ-C No. 18948 of 2017, decided on 3.5.2017

was left open to be decided by the authority. As already noticed above, in pursuance of the aforesaid directions, the authority took a decision in its Board meeting for making payment of additional compensation to the extent of 64.7% to all land holders whether they had put challenge to the land acquisition notifications or not. However, in respect of allotment of abadi plot to the extent of 10%, the authority took a decision not to extend the benefit to such land holders who had not approached the writ court and had not questioned the acquisition proceedings.

In the case in hand, the petitioners' land was acquired by means of notification dated 09.09.1997. Equally admitted fact is that the petitioners accepted the award and did not come forward to challenge the land acquisition proceedings. Not only that, notification dated 9.9.2017 whereunder an area 1275-18-18 including Gata no. 582 area 6-5-13, 538 area 0-15-6, 609 area 1-2-12 and 615 area 9-10-10 of the petitioners situate at village Tugalpur was acquired was not subject of matter of challenge before the Full Bench.

In view of above facts and discussions, it is clear that the relief which was granted by the Full Bench in the case of Gajraj Singh (Supra) affirmed by the Hon'ble Apex Court in the case of Savitri Devi (Supra) cannot be made applicable to the acquisition proceedings which were not assailed and were not subject matter of adjudication before the Full Bench in the case of Gajraj Singh (Supra). Thus, we are of the considered opinion that the ratio dicendi of the Full Bench does not stand attracted in the case of the petitioners and they cannot claim parity with those tenure holders who were before the Full Bench in the case of Gajraj Singh (Supra). The petitioners are thus not entitled to the relief claimed in this petition. The impugned order therefore, does not suffer from any infirmity requiring any interference by this Court under Article 226 of the Constitution of India.

Writ petition fails and accordingly stands dismissed.”

13. A similar view has been taken in a recent judgment of this Court in **Ramesh and others Vs. State of U.P. and others**⁶, wherein it was stated as follows:-

“14. Moreover, the directions issued by the Full Bench in the case of Gajraj Singh and others under para 482 (4) in terms of which the Authority was to take a decision as to whether benefit of additional compensation and allotment of abadi plot to the extent of 10% was to be given, was confined to those land holders whose writ petitions challenging the notifications had been dismissed earlier and to those who had not approached the court to challenge the notifications which were subject matter of challenge in the writ petitions decided along with the case of Gajraj Singh and others. The directions under para 482 (4) were not in respect of those persons such as the petitioners in the present case whose land had been acquired in terms of

6. 2019 (4) ADJ 225 (DB)

notifications which were not subject matter of challenge in the case of Gajraj Singh and others and connected matters.”

14. The question as to whether claim for any additional benefit can be raised as a matter of right in lieu of acquisition of land was subject matter of consideration before a Full Bench of this Court in **Ravindra Kumar Vs. District Magistrate, Agra and others**⁷, wherein the claim sought to be raised for appointment in service in lieu of acquisition of land was repelled and it was held that the Land Acquisition Act is a self-contained Code providing the procedure to be followed for acquisition as well as for assessment of the valuation and payment of fair and just compensation to the persons whose land were acquired and in the absence of any statutory provision no other claim can be raised as a matter of right. The observations made in the judgment in this regard are as follows:-

“21. The Land Acquisition Act is a self-contained Code and provides the procedure to be followed for acquisition as well as for assessment of the valuation and payment of fair and just compensation as per market value of the person whose land is acquired. In addition to that market value of the land interest @ 12% is also given from the date of publication of the Notification vide Section 23 (1-A). Besides that, a sum of 30% on such market value is also paid as solatium for distress and for inconvenience or difficulties caused to the person on account of compulsory acquisition of the land vide Section 23 (2) of the Act. Therefore, a person whose land is acquired not only gets adequate compensation as per market value of the land but also gets interest on the amount of compensation (@) 12% from the date of notification under Section 4 of the Act as well as an amount of solatium, which is 30% of the amount of compensation. Neither the Land Acquisition Act nor the regulations provides that in the event of acquisition of the land one of the family members of the landholder shall be given employment in addition to the amount of compensation. Therefore, in the absence of any statutory provision or any promise, the petitioner respondent cannot claim appointment as a matter of right nor can the respondent make such appointment.”

15. The aforementioned position has been considered in a recent decision of this Court in **Anand Prakash and Another vs. State of U.P. and others**⁸, wherein the question which was

7 (2005) 1 UPLBEC 118

8 2019 (12) ADJ 171 (DB)

considered was as to whether as per the directions in the case of **Gajraj Singh and others**, the petitioners, who were neither parties in the writ petitions which had been decided along with the case of **Gajraj Singh and others** nor had their land been acquired under the notifications which were subject matter of challenge in the writ petitions decided by the Full Bench in the case of **Gajraj Singh and others** and connected matters, could claim entitlement to allotment of abadi plot to the extent of 10% of their acquired land. The Division Bench after a detailed discussion of the factual and the legal position observed as follows:-

“22. In view of the foregoing discussion it follows that the directions issued by the Full Bench in the case of **Gajraj Singh and others** for payment of additional compensation and developed abadi plot were in respect of the petitioners in the bunch of writ petitions which were decided by the Full Bench. The question of extending the benefit of additional compensation and allotment of developed abadi plot to such landholders whose writ petitions challenging the notifications had been dismissed earlier and also those landholders who had not approached the Court challenging the notifications which were subject matter of challenge before the Full Bench, was left open to be decided by the authority.

23. It was in pursuance of the aforesaid directions that the authority took a decision at its board meeting for payment of additional compensation to the extent of 64.70% to all landholders whether they had chosen to challenge the land acquisition notifications or not; however, insofar as allotment of developed abadi plot to the extent of 10% of the acquired land is concerned the authority took a decision not to extend the said benefit to such landholders who had not approached the writ court and had not raised any challenge to the acquisition proceedings.”

16. In the case at hand, the land of the petitioners was acquired in terms of proceedings initiated by means of the notification dated 12.04.2005 issued under Section 4(1)/17(4), and the notification dated 27.07.2006 issued under Section 6/17 (1) of the Act 1894. Admittedly the petitioners did not choose to challenge the land acquisition proceedings and it is also not the case of the petitioners that the notifications in terms of which the land of the petitioners was acquired were subject matter of challenge in the

writ petitions which were decided by the Full Bench in the case of **Gajraj Singh and others.**

17. It may be noticed that there was no direction in the judgment of the Full Bench for grant of payment of additional compensation or allotment of abadi land or for consideration of the said benefits by the authority in respect of those persons whose land had been acquired in terms of the notifications which were not subject matter of challenge in the case of **Gajraj Singh and Others** and connected bunch of writ petitions.

18. The petitioners have admitted to having accepted the compensation in respect of their land which was subject matter of acquisition. The additional benefit by way of allotment of developed abadi plot which is sought by the petitioners not being founded on any legally enforceable right no mandamus can be claimed for grant of such benefit.

19. In view of the foregoing discussion, the petitioners are not entitled to reliefs which have been sought.

20. The writ petition thus fails and is, accordingly, **dismissed.**

Order Date :- 9.2.2022

Kirti

(Dr. Y.K. Srivastava, J) (Pritinker Diwaker, J)