

## **Hari Om and Others Vs K.K. Sharma Principal Secy., Law/Legal Remembrance and Another**

**Court:** Allahabad High Court

**Date of Decision:** Nov. 14, 2011

**Acts Referred:** Land Acquisition Act, 1894 & Section 4, 6

**Hon'ble Judges:** Rajiv Sharma, J

**Bench:** Single Bench

**Final Decision:** Disposed Of

### **Judgement**

Hon'ble Rajiv Sharma, J.

In compliance of this Court's Order dated 19.10.2011, Sri. K.K. Sharma, Principal Secretary (Law)/Legal

Remembrancer is present in person.

2. Short counter-affidavit and rejoinder affidavit filed by the respective parties are admitted to record.

3. As the applicants, who are the owners of the land over which the residential premises of Judicial Officers of Lakhimpur Kheri Judgeship were

constructed, without acquiring the land, preferred a writ petition No. 4022(MB) of 1999 and the said writ petition was disposed of finally vide

judgment and order dated 28.9.2010 directing the State Government to proceed immediately to acquire the land under the provisions of Land

Acquisition Act and pay compensation to the petitioners from the date of notification issued u/s 4 of the Land Acquisition Act within a period of

three months from the date of production of a certified copy of the order. The certified copy of the said order was served upon the Principal

Secretary (Law)/Legal Remembrances and District Magistrate, Lakhimpur Kheri on 15.10.2010 and nothing was done by them, reminder was

also sent on 4.7.2011, but neither proceedings were initiated for acquisition of land under the Land Acquisition Act nor any compensation has

been paid to them resulting in initiation of instant proceedings under the Contempt of Courts Act.

4. In response to notice, the Principal Secretary (Law)/Legal Remembrances filed a short counter affidavit and as the averments made in the said

short counter-affidavit were not satisfactory and as such, learned Standing Counsel was directed to file a better affidavit vide order dated

19.10.2011 fixing 14.11.2011. In compliance of the order dated 19.10.2011, a counter-affidavit has been filed wherein it has been stated that the

compensation, which has been determined to the tune of Rs. 83 lakhs and odd was released in favour of Registrar General of this Court on

18.7.2011. It was also stated in the said affidavit that on 7.10.2011, the State Government requested the Registrar General to release the amount

in favour of District Magistrate, Lakhimpur Kheri to ensure the compliance of the order passed by this Court. Thereafter, the District Magistrate,

Lakhimpur Kheri by means of letter dated 25.10.2011 submitted a bank draft for the aforesaid sum in favour of Special Land Acquisition Officer,

Shahjahanpur to ensure compliance of the provisions of Section 4 of the Land Acquisition Act. But nothing has been mentioned with regard to

initiation of proceedings under the Land Acquisition Act by issuing notification under Sections 4/6 Land Acquisition Act. It has also not been stated

in the said affidavit as to what steps have been taken by the Legal Remembrances, who sworn the counter-affidavit and short counter-affidavit

from the date of communication of the order passed by the Writ Court dated 28.9.2010.

5. In view of above, the Legal Remembrances is directed to file a better affidavit indicating therein that without initiation of proceedings under the

Land Acquisition Act, as to how and what basis, the compensation of Rs. 83 lakhs and odd has been determined and released by the State

Government.

6. List on 21.11.2011 on which date, the Principal Secretary, Law/Legal Remembrances, District Magistrate, Lakhimpur Kheri, Special Land

Acquisition Officer, Shahjahanpur and Registrar General of this Court shall appear in person.

7. When the case is next listed, name of Mr. Manish Kumar shall be printed in the cause list as counsel for High Court.