



2026:AHC:162604-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 22930 of 2026

Rakesh Kumar Agrawal

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Saurabh Pandey
Counsel for Respondent(s)	:	Anurag Yadav, C.S.C.

Court No. - 21

HON'BLE MAHESH CHANDRA TRIPATHI, J.
HON'BLE KUNAL RAVI SINGH, J.

1. Supplementary affidavit filed today, is taken on record.
2. Heard Shri Saurabh Pandey, learned counsel for the petitioner, Shri Akhileshwar Singh, learned Additional Chief Standing Counsel for the State-respondents and Shri Anurag Yadav, learned counsel for the respondent-National Highways Authority of India (NHAI).
3. The instant writ petition has been preferred seeking a direction to the respondents to release adequate compensation to the petitioner for the excess land allegedly utilized/acquired by the concerned respondent. Alternatively, a prayer has been made for a direction to the respondent concerned to decide the representation dated 02.12.2025 expeditiously within a stipulated period.
4. Learned counsel for the petitioner submits that the petitioner is the owner of a piece of land bearing Gata No. 190, which was purchased through sale deed dated 19.11.2011. The Central Government issued a notification under Section 3A of the National Highways Act, 1956 on 15.09.2012 in respect of the land required for the National Highway. It is contended that, while constructing the Firozabad Bye-pass, the respondent authorities utilized the petitioner's holding. Learned counsel for the petitioner has placed reliance upon the order dated 16.03.2026 passed by the Sub-Divisional Magistrate, Shikohabad, whereby the complaint of the petitioner was entertained and the Sub-Divisional Magistrate, Shikohabad, requested the Project Director, NHAI, A-208, Kamla Nagar, Agra, to ensure actual demarcation of the petitioner's holding. However, on account of non-cooperation by the officials of NHAI, actual demarcation at the site could not be carried out. He submits

that, in the aforesaid circumstances, the petitioner has been compelled to invoke the writ jurisdiction of this Court.

5. Per contra, learned counsel for the respondents has opposed the relief sought on the premise that the matter essentially relates to the actual demarcation of the petitioner's holding and, therefore, the petitioner, instead of approaching this Court by way of the instant petition, ought to avail the statutory remedy under the provisions of the U.P. Revenue Code, 2006 (for short, "the Code, 2006"). The Code, 2006, being a self-contained enactment providing a complete mechanism for redressal of such grievances, the instant petition is not maintainable at this stage. He further submits that the aforesaid issue cannot appropriately be examined in writ jurisdiction. However, he fairly submits that, upon actual demarcation being carried out, the grievance of the petitioner may be examined in the light of the Government Order dated 12.05.2016 by the District Level Committee headed by the District Magistrate.

6. Learned Standing Counsel informed to the Court that for redressal of grievance of tenure holders, claiming certain right/title over their land, the State Government had issued detailed Government Order dated 12.05.2016, which provides that in case the claimant files claim supported with requisite documents, the same would be considered by the District Level Committee for ensuring adequate compensation in the light of Act 2013. He submits that once the efficacious remedy is available to the petitioners, the matter should be relegated to the District Level Committee, which may examine the claim of petitioners within a reasonable time and submit its report to the Chairman/District Magistrate, who may accord adequate compensation accordingly.

7. The position of law is well-established that in view of Article 300A and 31A of the Constitution of India, the owner of land can be divested only in accordance with law after appropriately compensating, if such land is required by the State for public purpose. Since such power of eminent domain is not in dispute, we need not advert the matter at this stage in view of Government Order dated 12.05.2016.

8. Considering the facts and circumstances of the case and the relief prayed in the instant matter, we **dispose of** the instant petition with liberty to the petitioner to make fresh representation along with true attested copy of the

instant order before Committee constituted under the Government Order dated 12.05.2016 within two weeks. In the event, such representation is made, the District Level Committee shall consider the claim of the petitioner and ensure that the proceeding shall be finalized expeditiously, preferably within twelve weeks, thereafter.

August 4, 2026
Mukesh Kr.

(Kunal Ravi Singh,J.) (Mahesh Chandra Tripathi,J.)