



2026:AHC:64815-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 11649 of 2026

Smt. Payal And 3 Others

.....Petitioner(s)

Versus

Union Of India And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Sheetla Sahai Srivastava
Counsel for Respondent(s)	:	A.S.G.I., C.S.C., Pranjali Mehrotra, Sudarshan Singh

Court No. - 21

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

1. Heard Shri Sheetla Sahai Srivastava, learned counsel for the petitioners, Shri Ambrish Shukla, learned Additional Chief Standing Counsel for the State-respondents, Shri Pranjali Mehrotra, learned counsel for the respondent - Dedicated Freight Corridor Corporation of India Limited (DFCCIL) and Shri Sudarshan Singh, learned counsel for the respondent - Union of India.

2. The instant writ petition has been filed praying *inter alia* for the following relief:

"A-Issue a writ orders or directions in the nature of mandamus to direct the respondent authority to pay the compensation of the acquired land of araji no. 999, remaining area 0.1050 Hectare situated at Village Vaisoli Dehat, Tehsil-Vidhuna, District-Auraiya, which was acquired by the respondent authority for construction of Special Railway Project Eastern Dedicated Freight Corridor by the respondent no.1 u/s 28 or

B- Issue a writ orders or directions in the nature of mandamus to direct the respondent authority to de-notify the remaining acquired land i.e. araji no. 999, remaining area 0.1050 Hectare situated at Village- Vaisoli Dehat, Tehsil-Vidhuna, District-Auraiya and returned to the petitioners.

C-Issue any other writ, order or direction which this Hon'ble court may

deem fit and proper in the facts and circumstances of the case.

D- Award cost of the petition to the petitioners."

3. Learned counsel for the petitioners submits that the petitioners seek issuance of a writ of mandamus commanding the respondent authorities to pay compensation in respect of the remaining area of 0.1050 hectare of the aforesaid Araj No. 999, which has in fact been acquired and utilized for construction of the Special Railway Project, namely, the Eastern Dedicated Freight Corridor.

4. Learned counsel for the petitioners further submits that for the aforesaid railway project, a notification under Section 20A of the Railways Act, 1989 (hereinafter referred to as "the Act, 1989") was issued on 08.09.2008 and, thereafter, the acquisition proceedings culminated in an award dated 15.06.2010. In the said award, although the total acquired area of Araj No.999 was shown as 0.3350 hectare, compensation was paid only for 0.2300 hectare on the premise that the remaining area of 0.1050 hectare was not affected and stood excluded from acquisition.

5. Learned counsel for the petitioners submits that petitioner no. 2, being the original tenure-holder, subsequently sold part of the said land measuring 0.081 hectare to petitioner nos. 1, 3 and 4 by means of a registered sale deed dated 22.08.2022. However, when the petitioners sought to take possession, it came to light that the entire land, including the remaining 0.1050 hectare, was under the possession and use of the respondent authorities for the project. Thereafter, repeated representations were submitted before the concerned authorities, pursuant whereunto spot inspections and joint inspections were carried out. The inspection report dated 03.10.2025 specifically recorded that the entire 0.3350 hectare of Araj No. 999 stands affected by the project and that pillars/stambh have also been erected at the site. Even thereafter, despite further correspondence between the revenue authorities and the project authorities, including a joint inspection dated 26.12.2025, no final decision has been taken and compensation for the remaining 0.1050 hectare has still not been paid to the petitioners.

6. Learned counsel for the petitioners has also placed reliance upon the information furnished by DFCCIL, New Bhaupur, dated 11.02.2026 under the Right to Information Act, 2005, whereby it was informed that the measurement of Gata No. 999, Village Bijhai, could not be completed on 26.12.2025 due to shortage of time. He lastly submits that the action of the respondents in withholding compensation despite utilizing the entire land is wholly arbitrary, illegal and unjustified.

7. Per contra, Shri Pranjal Mehrotra, learned counsel appearing for the respondent - DFCCIL, has opposed the reliefs sought and submits that the acquisition proceedings were initiated in the year 2008 and the award was also made in the year 2010, and since then no objection whatsoever was raised by the petitioners. He submits that the issue has been raised for the first time only in the year 2025 and, therefore, the claim suffers from gross delay and laches. He further submits that the alleged measurement/inspection has not been carried out in the presence of the officials of DFCCIL. However, he fairly submits that the said issue may be examined by the District Level Committee, provided the same is done in the presence of the officials of DFCCIL, which is an affected party, and in whose absence no right can be settled in favour of the petitioners.

8. Similar objection has been raised by Shri Ambrish Shukla, learned Additional Chief Standing Counsel appearing for the State-respondents. He submits that on account of inordinate delay, the writ petition is liable to be dismissed. He further submits that the Railways Act, 1989 is a self-contained Act and the grievance of the petitioners may appropriately be raised before the Arbitrator under the Act, 1989. However, he does not dispute the report dated 03.10.2025 prepared by the revenue authorities, which has been brought on record as Annexure-4 to the writ petition. He submits that in case the matter is relegated to the District Level Committee, the State-respondents would have no objection and the said issue may be examined by the said Committee.

9. Considering the submissions advanced by learned counsel for the parties and having perused the material brought on record, this Court finds that the controversy involved in the present writ petition essentially pertains to a factual determination as to whether the remaining area of

0.1050 hectare of Arajai No. 999 has in fact been utilized for the project in question and, if so, whether the petitioners are entitled to compensation in respect thereof, or otherwise to restoration of the said land.

10. In the facts and circumstances of the case, without entering into the merits of the rival claims, the instant writ petition is **disposed of** with liberty to the petitioners to make a fresh representation, along with a true attested copy of this order, before the District Level Committee constituted under the Government Order dated 12.05.2016, within a period of two weeks from today. In the event such a representation is made, the District Level Committee shall consider and decide the claim of the petitioners strictly in accordance with law, after affording due opportunity of hearing to all concerned parties, particularly the respondent - DFCCIL, and shall ensure that the proceedings are concluded expeditiously, preferably within a period of twelve weeks thereafter.

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

March 28, 2026

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