

SUPREME COURT OF INDIA

State of U.P.

Vs.

Kashi Prasad Dwivedi

(B.P.Singh and Altamesh Kabir JJ.)

06.03.2006

JUDGMENT

B.P. SINGH, J.

1. We have heard counsel for the parties. Leave granted.
2. The State of Uttar Pradesh has challenged the order of the High Court whereby the High Court directed the State to pay compensation to the writ petitioners for the lands said to have been acquired by the State of Uttar Pradesh. Counsel for the appellants submits that though the State authorities ought to have taken prompt steps and ought to have filed counter affidavit refuting the claim made in the writ petition which they failed to do, the fact remains that the State has brought on record documents in the recall application which will show that the lands in question were sold to the State by the grandfather of the writ petitioner many years ago and in view of the registered deed of Page 2593 sale in favour of the State, the respondents cannot claim any right, title or interest in the property in question. They are not entitled to any compensation for the acquisition of the lands which belong to the State.
3. We do not wish to express any opinion in the matter, but having regard to the fact that in a large number of cases this problem has been noticed, we remit the matter to the High Court to reconsider the same after giving an opportunity to the State of Uttar Pradesh to file a detailed counter affidavit.
4. We so direct, in the interest of justice and in public interest. If the plea of the State of U.P. is found to be justified, there can be no question of giving any compensation to persons like the respondents herein. Accordingly, we set aside the impugned judgment and order of the High Court and allow this appeal. The matter is remitted to the High Court of Judicature at Allahabad in the above terms.
5. No order as to the costs.