

Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1889 of 2023

Petitioner :- Prantesh Narayan Bajpeyi

Respondent :- State Of Up And 4 Others

Counsel for Petitioner :- Abhinav Gaur, Sr. Advocate

Counsel for Respondent :- C.S.C., Anand Prakash Paul

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

Sri Anoop Trivedi, learned Senior Advocate assisted by Sri Abhinav Gaur, learned counsel appearing for the petitioner, Smt. Akansha Sharma, learned Standing Counsel for the respondent nos. 1 to 4 and Sri Arun Kumar, learned counsel for the respondent no. 5/Kanpur Development Authority.

This writ (PIL) expaues a general cause wherein the respondent/Kanpur Development Authority in gross derogation of Article 300A of the Constitution of India as also Public Policy is continuing to have claim over land which was the subject matter of acquisition for the purposes of setting up "New Kanpur City", which acquisition was quashed by a co-ordinate Bench decision of this Court dated 26.9.2006 passed in Writ Petition No. 66471 of 2005 and 170 connected matters. The Special Leave Petition filed against the order dated 26.9.2006 was dismissed vide order dated 10.01.2008.

It is submitted by Sri Anoop Trivedi, learned Senior Counsel for the petitioner that there was a status-quo order operating during the proceedings pending before the High Court and the Apex Court. He further submitted that a total of 464.6965 hectare of land contained in 7 villages was sought to be acquired for the scheme of 'New Kanpur City' subsequently changed to 'Residential Colony of Kanpur Development Authority' and possession was illegally taken in respect of an area of 111.8468 hectare of land.

Learned Senior Counsel further submits that the remaining land is in possession of the private persons and is not in possession of the Kanpur Development Authority and such private persons have raised constructions thereon and in any case, the project, as conceived by the Development Authority, cannot be given effect to. He further submits that the State Government itself has rejected the proposal of the Kanpur Development Authority for proceedings with the scheme for creation of New Kanpur City or for setting up residential colony for Kanpur Development

Authority.

Sri Arun Kumar, learned counsel for the Development Authority submits that the Development Authority is in possession of an area 111.8468 hectare of land out of total area of 464.6965 hectare sought to be acquired and the same lies scattered and the Development Authority is carrying on negotiations with the tenure holders to make the Scheme viable to a large extent. He, however, concedes that the object for which the acquisition proceedings were undertaken cannot be achieved.

Matter requires consideration.

Learned counsel for the Kanpur Development Authority prays for and is granted four weeks time to file counter affidavit.

Petitioner will have two weeks thereafter to file rejoinder affidavit.

List this case in the week commencing **16 October, 2023**.

Considering the submissions advanced by the learned Senior Counsel for the Petitioner and also taking note of the fact that the Respondent Development Authority is only in possession of part of the land and the scheme for proposed 'New Kanpur City' as of now is not viable, it is provided that parties shall maintain status-quo as it exists today. However, it shall be open for the Kanpur Development Authority to proceed with the negotiations with the tenure holders.

Order Date :- 21.8.2023

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(Ashutosh Srivastava, J) (Pritinker Diwaker, CJ)