



2025:AHC:184256-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

A.F.R.

Judgment reserved on 25.09.2025

Judgment delivered on 15.10.2025

WRIT – C No. 29560 of 2025

Dambar Singh and another

.....Petitioners(s)

Versus

State of U.P. and another

.....Respondents(s)

Counsel for Petitioners(s)	: Vidya Prakash Singh
Counsel for Respondent(s)	: Anjali Upadhya, C.S.C

CONNECTED WITH

WRIT C Nos. 25039 of 2025, 25041 of 2025, 29494 of 2025, 29511 of 2025, 29518 of 2025, 29527 of 2025, 29562 of 2025, 29563 of 2025, 29566 of 2025, 29576 of 2025, 29633 of 2025, 29656 of 2025, 29873 of 2025, 30007 of 2025, 30057 of 2025, 30138 of 2025, 30204 of 2025, 30500 of 2025, 30505 of 2025, 30506 of 2025, 30510 of 2025, 30666 of 2025, 30672 of 2025, 30675 of 2025, 30686 of 2025, 30687 of 2025, 30720 of 2025, 30741 of 2025, 30854 of 2025, 30873 of 2025, 31007 of 2025, 31009 of 2025, 31138 of 2025, 31146 of 2025, 31158 of 2025, No.31198 of 2025, No.31226 of 2025, 31250 of 2025, 31493 of 2025, 31651 of 2025, 31718 of 2025, 31720 of 2025, 31725 of 2025, 31824 of 2025, 31874 of 2025, 32016 of 2025, 32018 of 2025, 32019 of 2025, 32052 of 2025, 32059 of 2025, 32106 of 2025, 32112 of 2025, 32116 of 2025, 32162 of 2025, 32329 of 2025, 32421 of 2025, 32477 of 2025, 32528 of 2025, 32557 of 2025, 32564 of 2025, 32567 of 2025, 32581 of

2025, 32673 of 2025, 32675 of 2025, 32688 of 2025, 32706 of 2025, 32719 of 2025, 32744 of 2025, 32809 of 2025, 32928 of 2025, 32951 of 2025, 33064 of 2025, 33071 of 2025, 33094 of 2025, 33096 of 2025, 33100 of 2025, 33125 of 2025, 33128 of 2025, 33158 of 2025, 33163 of 2025, 33169 of 2025, 33192 of 2025, 33195 of 2025, 33199 of 2025, 33203 of 2025, 33315 of 2025, 33380 of 2025, 33386 of 2025, 33453 of 2025, 33697 of 2025, 33728 of 2025, 33733 of 2025, 33738 of 2025, 33771 of 2025, 33774 of 2025, 33775 of 2025, 33797 of 2025, 33798 of 2025 and 33833 of 2025

HON'BLE MAHESH CHANDRA TRIPATHI, J.
HON'BLE ANISH KUMAR GUPTA, J.

(Per: Mahesh Chandra Tripathi, J.)

1. Heard Sri Vidya Prakash Singh, learned counsel for the petitioners in leading Writ C No.29560 of 2025; Sri Ramesh Kumar Pandey, Sri Ganga Dhar Shukla, Sri Krishna Kant Dubey, Sri Santosh Kumar Dubey, Sri Sudhanshu Chaurasia, Sri Om Prakash Chaurasia, Sri Samar Bahadur, Sri Guru Prasad, Sri Sanjay Kumar Mishra, Ms. Sabana Azami and Sri Pradeep Kumar Sharma for the petitioners in the connected matters, Sri M.C. Chaturvedi, learned Senior Counsel assisted by Mrs. Anjali Upadhyia, learned counsel for the respondent authority in all the aforementioned matters and Sri Devesh Vikram, Ms. Uttara Bahuguna, Sri Ambrish Shukla, learned Additional Chief Standing Counsel, Sri G.C.Saxena and Sri Fuzail Ahmad Ansari, learned Standing Counsel for the State-respondents.

2. In this bunch of the writ petitions, petitioners have prayed for direction in the nature of mandamus directing the development authority to comply with the directions issued by Full Bench of this Court in **Gajraj and others vs. State of U.P. and others**¹ pursuant to the allotment of 10% developed abadi land and also direct the development authority to allot 10% land to the petitioners within a time frame.

1. (2011) 11 ADJ 1 (FB)

3. In all the writ petitions, common question of fact and law is involved, hence all these writ petitions have been taken up together, and are being heard and decided by common judgment and Writ C 29560 of 2025 has been treated as leading writ petition. For facility, the facts of the leading Writ C No.29560 of 2025 is being taken into consideration.

4. The facts in brief as contained in the leading writ petition are that the petitioners are bhumidhars with transferable rights of Khasra No.440 area 1.106 hectare situated in Village Haibatpur, Tehsil Dadri, District Gautam Buddh Nagar. A notification under Section 4(1)/17 of the Land Acquisition Act, 1894² was issued by the State Government on 31.08.2007 acquiring the petitioners' land for 'planned development'. Later on, a notification under Section 6 of the Act, 1894 had also been issued. After the notifications under Sections 4 and 6 of the Act, 1894, the development authority had taken possession over the acquired land. Since the urgency clause was invoked by virtue of provision contained under Section 17 of the Act, 1894, initially 80% compensation was paid to the tenure holder i.e. father of the petitioners, which is also not in dispute but no industry had been established and the lands were transferred to the private builders for raising multi-storied residential apartments.

5. It also transpires from the record that the notifications under Section 4 (1) read with Section 17 (4) and Section 6 (1) read with Section 17 (1) of the Act, 1894 dated 12.03.2008 and 30.06.2008, which were initially issued for Village Patwari, Tehsil Dadari, District Gautam Budh Nagar, were challenged before this Court in **Har Karan Singh**³. The said writ petition alongwith other connected writ petitions were allowed by the Division Bench vide judgment and order dated 19.07.2011 and consequently, the notifications were quashed. Later on, the Division Bench of this Court, dealing with the same notifications issued under Section 4 and 6 of the Act, 1894 in **Gajraj and others vs.**

2. Act, 1894

3. Writ C No.17068 of 2009

State of UP and others⁴ alongwith other writ petitions of similar nature, had doubted the correctness of the judgment rendered in **Har Karan Singh**'s case (supra). Vide order dated 26.07.2011 passed in the aforesaid case, the matter was referred to Hon'ble the Chief Justice for constitution of a Larger Bench. Finally, the Full Bench had decided the matter vide judgment and order dated 21.10.2011 in **Gajraj**'s case (supra). Now, the petitioners are claiming the same benefit, as has been allowed in the case of **Gajraj** (supra).

6. It is claimed that in pursuance of the judgment of Full Bench in **Gajraj**'s case (supra) the petitioners got due compensation as well as 64% additional compensation and also got 6% developed abadi land but as directed by the Full Bench in **Gajraj**'s case (supra) the petitioners have not received 10% developed land. The petitioners approached the respondent no.2 several times for allotment of 10% developed land in compliance of the Full Bench decision in **Gajraj**'s case (supra) but nothing has been done to comply with the decision of the Full Bench.

7. The respondent no.2 in its 117th Board meeting dated 10.02.2020 proposed to provide the vacant buildings/flats in lieu of 10% developed abadi land which was contrary to the decision of Full Bench in **Gajraj**'s case (supra). Later on, the development authority had decided to allot 10% developed abadi land to only those persons who had filed writ petitions before this Court and decided in the bunch of **Gajraj**'s case (supra). In fact, the petitioners had not filed any writ petition in the said bunch challenging the acquisition notifications.

8. Shri Ramesh Kumar Pandey, learned counsel for the petitioners vehemently submitted that the petitioners are entitled to allotment of 10% developed land on the basis of directions contained in Full Bench judgment of this Court in **Gajraj**'s case (supra) as well as the judgment of Hon'ble Apex Court in **Savitri Devi**⁵. He submitted that subsequent to the aforesaid judgment, the respondent authority itself had granted

4. Writ C No.37443 of 2011

5. (2015) 7 SCC 21

64.7% additional compensation to all the land holders and taken a conscious decision to allot 10% of developed land.

9. The counsels for the petitioners emphasized his submissions on the ground that even though one Raghuraj, who died on 29.09.2009, was not even a party in Gajraj's case (supra), which was pronounced later on in the year 2011 but in arbitrary manner, the development authority had allowed 10% developed plot in his favour. In the same manner, the benefit had also been extended to Jagram. Admittedly, they had not challenged the acquisition proceedings and they were accorded 10% developed abadi land in the years 2015 and 2017 respectively. Similarly, the land of Rohtash, Lokesh, Vikram, & Ramesh were acquired by the development authority for the same purpose i.e. 'planned development' and they have also not challenged the acquisition proceedings in any court of law but the development authority has provided 10% developed abadi land to them in the years 2015 and 2017 and the respondents had discriminated with the petitioners. He submitted that as the petitioners are on identical footing as some other farmers were also accorded the benefit, therefore, it cannot be said that the authority had not extended the benefit to other tenure holders and they cannot adopt pick and choose policy to discriminate the petitioners as they had allowed 10% residential plot to other tenure holders, who had not assailed the acquisition proceedings and more so, even they were not a party in Gajraj's case (supra).

10. In support of his submission, he had placed reliance on the judgment and order dated 05.03.2019 passed by the Division Bench in Writ C No.7734 of 2019 (**Sundar and others vs. State of UP and others**), wherein the Division Bench had directed the authority to decide the representation of Sundar and others.

11. Learned counsel for the petitioners further submitted that the decision taken by development authority not to allot 10% abadi land to tenure holders whose acquisition were covered by the Full Bench in Gajraj's case but had not filed writ petitions to challenge the acquisition

proceedings is arbitrary as there is no rationale in not granting this benefit to persons who had not filed writ petitions, particularly when such persons have been granted the additional compensation of 64.70%. In support of his submission, he had placed reliance on the judgment and order of this Court passed in **Soukeen and another vs. State of UP and another**⁶.

12. Per contra, Sri M.C.Chaturvedi, learned Senior Counsel appearing for the development authority vehemently opposed the writ petitions and submitted that the Full Bench in Gajraj's case (supra) had left it open to the respondent authority to take a decision as to whether additional compensation and 10% abadi land had to be given to such persons who had not filed writ petitions. The development authority after carefully examining the financial position and the land available with the authority took a conscious decision to provide 64.70% additional compensation to such persons who had not filed writ petitions to challenge the acquisition proceedings but in view of the paucity of land available with the authority, 10% abadi land was being provided to only such persons who had filed writ petitions and not to those who had not filed writ petitions. This policy decision does not suffer from any arbitrariness which may call for interference by the Court under Article 226 of the Constitution and all the writ petitions are liable to be dismissed. In support of his submission he has placed reliance on the judgement of Hon'ble Apex Court in **Khaton and Ors. Vs. The State of U.P.**⁷

13. We have carefully considered the submissions advanced by learned counsel for the parties.

14. We had passed a detailed order on 28.08.2025 in the instant bunch of writ petitions led by Writ C No.29560 of 2025 filed by Dambar Singh and another and directed the counsel for the development authority to file an affidavit of Chief Executive Officer, Greater New Okhla Industrial Development Authority indicating the stand of the authority on the aforesaid issue in the light of judgment rendered in **Runwell India**

6. Writ C No.20526 of 2025 decided on 03.07.2025

7. (2018) 14 SCC 346

Pvt. Ltd. vs. State of U.P. and others⁸ and Balraj Singh and 21 others v. State of UP and 3 others⁹. For ready reference, the order dated 28.08.2025 is reproduced hereinafter:-

“1. The present writ petition has been instituted seeking a writ of mandamus directing the Greater Noida Industrial Development Authority to comply with the directions issued by the Full Bench of this Court in *Gajraj v. State of U.P. and others*, 2011 (11) ADJ 1, for allotment of 10% developed abadi land.

2. The petitioners claim to be tenure-holders of the land acquired by the State of Uttar Pradesh vide notification dated 31.08.2007 for purposes of industrial development. It is further asserted that they have already received 64% additional compensation together with 6% developed abadi land in compliance with the judgment and order dated 21.10.2011 rendered by the Full Bench of this Court. Reliance is also placed upon the order dated 03.07.2025, passed in Writ-C No. 20526 of 2025, *Soukeen and another v. State of U.P. and others*.

3. Per contra, Ms. Anjali Upadhyay, learned counsel appearing for respondent no.2, has placed reliance on the judgment of a Coordinate Bench of this Court in *Runwell India Pvt. Ltd. v. State of U.P. and others* (Writ-C No. 14113 of 2017), wherein similar claims were rejected. It is submitted that the issue raised in the present writ petition already stands concluded in a batch of petitions, wherein the Coordinate Bench relied upon the judgments of the Hon'ble Supreme Court in *Savitri Devi v. State of U.P. and Khatoon and others v. State of U.P. and others*. She has further drawn attention to the judgment of another Division Bench in *Balraj Singh and 21 others v. State of U.P. and 3 others* (Writ-C No. 9496 of 2025), wherein it was held, by a reasoned and speaking order, that the petitioners have no locus to maintain such petitions. Accordingly, it is urged that the present writ petition deserves outright dismissal.

4. This Court notes that its board is chocked up with a large number of writ petitions seeking similar reliefs. In several such matters, the petitioners' claims have been relegated to the respondent authority for consideration in light of the aforesaid judgments. However, despite repeated directions, the respondent authority has failed to take a decision even in a single case. Such persistent inaction constitutes a clear failure to discharge its statutory and legal obligations and renders nugatory the judicial directions already issued. Once the matter has been relegated, it is incumbent upon the authority to act with due promptitude and to take a reasoned decision within a reasonable time.

5. At this stage, Ms. Anjali Upadhyay, learned counsel for respondent no.2, submits that some further time may be granted to enable the authority to place on record its decision so as to assist the Court in proper adjudication of the case.

8. Writ C No.14113 of 2017 (O & M) decided on 31.05.2022

9. Writ C No.9496 of 2025 decided on 02.04.2025

6. In view of aforesaid, the Chief Executive Officer, Greater New Okhla Industrial Development Authority, is directed to file a affidavit indicating the stand of the Authority on the aforesaid issue in the light of the judgments rendered in Runwell India Pvt. Ltd. (supra) and Balraj Singh (supra). The affidavit shall be filed before the next date of hearing.

7. List this matter as fresh for further orders on 18.09.2025.”

15. In response to the aforesaid order, the detailed affidavit has been filed on 17.09.2025 indicating therein that there is no provision for providing 10% developed land which was acquired by the State for “planned industrial development” under the Act, 1894 and the directions were issued to provide 10% developed land to the petitioners vide judgment and order dated 21.10.2011 passed in Gajraj’s case (supra). The Full Bench judgment was challenged in Civil Appeal No.4506 of 2015 preferred by Savitri Devi, wherein Hon’ble Apex Court vide order dated 14.05.2015 clarified that the order passed by the Full Bench is based on peculiar circumstances and it would not form precedent for future cases. In para-11 of the affidavit it is stated that in Writ C No.14113 of 2017 filed by Runwell India Pvt. Ltd., the claim of 10% developed land was rejected by the Division Bench vide judgment and order dated 31.05.2022 on the ground that the land owners cannot get the same benefit as in Gajraj’s case (supra). Similar claim had also been rejected by this Court in **Dheeraj Singh and 11 others vs. State of UP and 2 others**¹⁰ and in **Sarjeet Singh vs. State of UP and 3 others**¹¹.

16. Undisputedly, the land of petitioners were acquired by notification dated 31.08.2007 issued under Section 4 of Act, 1894. The aforesaid acquisition proceedings were never challenged by petitioners even the same were subject matter of dispute in a bunch of Writ Petitions, led by Writ Petition No. 37443 of 2011, which was decided by a Full Bench of this Court vide judgment dated 21.10.2011 reported as **Gajraj’s case** (supra).

17. One of the plea that was raised before the Full Bench in Gajraj’s case (supra) was that the State Government was not justified in

10. Writ C Nos.23059 of 2022 decided on 22.08.2022

11. Writ C Nos.23059 of 2022 decided on 02.08.2023

dispensing with the provisions of Section 5-A of the Act, 1894 by invoking the provisions of sub-sections (1) and (4) of Section 17 of the Act, 1894. The Full Bench held that the State was not justified in dispensing with the enquiry contemplated under Section 5-A of the Act, 1894. Consequently, the Full Bench had issued three sets of directions. The first set of the writ petitions that had been filed with unexplained delay and laches were dismissed. In the second set of writ petitions, wherein the notifications were issued in respect of villages where no development had taken place, the dispensation of enquiry was not justified and consequently, the notifications were quashed. The third set of writ petitions pertaining to some villages, wherein substantial development had taken place, instead of quashing the acquisition proceedings even after accepting the plea that the provisions of Section 17(1) of the Act, 1894 were wrongly invoked and the enquiry, as contemplated under Section 5A of the Act, 1894, was dispensed with, was not justified i.e. considering the substantial development, the Full Bench deemed it appropriate to enhance the compensation by 64.7% as well as issued directions for allotment of developed abadi plots.

18. The relevant portion of the directions issued by the Full Bench in Gajraj's case in respect of petitions, where relief for additional compensation and allotment of developed abadi plot was granted, is reproduced hereunder:-

"482 (3). All other writ petitions except as mentioned above at (1) and (2) are disposed of with following directions:

(a) The petitioners shall be entitled for payment of additional compensation to the extent of same ratio (i.e. 64.70%) as paid for village Patwari in addition to the compensation received by them under 1997 Rules/award which payment shall be ensured by the Authority at an early date. It may be open for Authority to take a decision as to what proportion of additional compensation be asked to be paid by allottees. Those petitioners who have not yet been paid compensation may be paid the compensation as well as additional compensation as ordered above. The payment of additional compensation shall be without any prejudice to rights of land owners under section 18 of the Act, if any.

(b) All the petitioners shall be entitled for allotment of developed Abadi plot to the extent of 10% of their acquired land subject to maximum of 2500 square meters. We however, leave it open to the Authority in cases where

allotment of abadi plot to the extent of 6% or 8% have already been made either to make allotment of the balance of the area or may compensate the land owners by payment of the amount equivalent to balance area as per average rate of allotment made of developed residential plots.

4. The Authority may also take a decision as to whether benefit of additional compensation and allotment of abadi plot to the extent of 10% be also given to ;

(a) those land holders whose earlier writ petition challenging the notifications have been dismissed upholding the notifications; and

(b) those land holders who have not come to the Court, relating to the notifications which are subject matter of challenge in writ petitions mentioned at direction No.3."

19. The Full Bench in Gajraj's case (supra), instead of quashing the acquisition proceedings under challenge before it in regard to certain villages in which extensive development had taken place, even after holding that providing of opportunity to file objections under Section 5-A of the Act, 1894 had wrongly been denied to the tenure-holders, saved the acquisition proceedings and issued directions for payment of additional compensation and for providing certain percentage of developed abadi plot. The said benefit was restricted to the tenure holders who had challenged the acquisition proceedings before the Full Bench. However, the Full Bench in paragraph 482(4) also directed that the authority may take a decision as to whether the benefit of additional compensation and allotment of 10% abadi plot be given to those tenure-holders whose petitions challenging the acquisition proceedings had earlier been dismissed by the Division Bench of the High Court and to those who had not filed writ petitions challenging the notifications in issue before the Full Bench.

20. The judgment of the Full Bench passed in the case of Gajraj's case (supra) was subject matter of challenge before Hon'ble Supreme Court in the case of **Savitri Devi Vs. State of U.P. and others**¹². Relevant paragraphs 44 to 52 of the aforesaid judgment are quoted herein below :-

"44. We have also to keep in mind another important feature. Many residents of Patwari village had entered into agreement with the authorities agreeing to accept enhanced compensation at the rate of 64.7%. This additional

12. 2015 (7) SCC 21

compensation was, however, agreed to be paid by the authorities only in respect of land owners of Patwari village. The High Court has bound the authorities with the said agreement by applying the same to all the land owners thereby benefiting them with 64.7% additional compensation. There could have been argument that the authorities cannot be fastened with this additional compensation, more particularly, when machinery for determination for just and fair compensation is provided under the Land Acquisition Act and the land owners had, in fact, invoked the said machinery by seeking reference under Section 18 thereof. Likewise, the scheme for allotment of land to the land owners provides for 5% and 6% developed land in Noida and Greater Noida respectively. As against that, the High Court has enhanced the said entitlement to 10%. Again, we find that it could be an arguable case as to whether High Court could grant additional land contrary to the policy. Notwithstanding the same, the Noida authority have now accepted this part of the High Court judgment after the dismissal of the appeals filed by the Noida authority, and a statement to that effect was made by Mr. Rao.

45. We may point out that while dismissing the appeals of Noida authority, following remarks were made:

"9. Insofar as allotment of 10 per cent of the plots is concerned, the High Court, in exercise of its discretionary power, has thought it fit, while sustaining the notification issued by the authority for protecting them for allotting 10 per cent of the developed plots; and, there again they have put a cap of 2,500 sq.mtrs. In fact, in the course of the order, the High Court has taken into consideration the agreement that was entered into by the authority with the villagers of Patwari and, in some cases, the authority itself has agreed to raise 6 to 8 per cent of the developed plots to the agriculturists. The High Court has also taken into consideration the observations made by this Court in the case of Bondu Ramaswamy Vs. Bangalore Development Authority, 2010 (7) SCC 129, where this Court has gone to the extent of directing the authorities to allot 15 per cent of the developed plots. In our view and in the peculiar facts and circumstances of these cases, since the relief that is given to the respondents/agriculturists is purely discretionary relief by the Court in order to sustain the notification issued by the authorities, we do not find any good ground to interfere with the impugned judgment(s) and order(s) passed by the High Court, at the instance of the petitioners/appellants/ authorities, namely, NOIDA and Greater NOIDA.

10. This order shall not be treated as a precedent in any other case."

46. Thus, we have a scenario where, on the one hand, invocation of urgency provisions under Section 17 of the Act and dispensing with the right to file objection under Section 5A of the Act, is found to be illegal. On the other hand, we have a situation where because of delay in challenging these acquisitions by the land owners, developments have taken in these villages and in most of the cases, third party rights have been created. Faced with this situation, the High Court going by the spirit behind the judgment of this Court in Bondu Ramaswamy and Others (supra) came out with the solution which is equitable to both sides. We are, thus, of the view that the High Court considered the ground realities of the matter and arrived at a more practical and workable solution by adequately compensating the land owners in the form of compensation as well as allotment of developed Abadi land at a higher rate i.e. 10% of the land acquired of each of the land owners against the eligibility and to the policy to the extent of 5% and 6% of Noida and Greater Noida land respectively.

47. Insofar as allegation of some of the appellants that their abadi land was acquired, we find that this allegation is specifically denied disputing its correctness. There is specific averment made by the NOIDA Authority at so

many places that village abadi land was not acquired. It is mentioned that abadi area is what was found in the survey conducted prior to Section 4 Notification and not what is alleged or that which is far away from the dense village abadi. It is also mentioned that as a consequence of the acquisition, the Authority spends crores and crores of rupees in developing the infrastructure such as road, drainage, sewer, electric and water lines etc. in the unacquired portion of the village abadi. During the course of hearing, Chart No. 2 in respect of each village of Greater Noida was handed over for the consideration of this Court, wherein the amount spent by the Authority on the development, including village development (which is the unacquired village abadi), has been given in Column No. 4 thereof. It has been the consistent stand of the NOIDA Authority that prior to the issuance of Section 4 Notification under the Land Acquisition Act, 1894, survey was conducted and the abadi found in that survey was not acquired. In fact, affidavits in this respect have also been filed not only in this Court but also in the High Court. We have mentioned that there has been a long gap between acquisition of the land and filing of the writ petitions in the High Court by these appellants challenging the acquisition. If they have undertaken some construction during this period they cannot be allowed to take advantage thereof. Therefore, it is difficult to accept the argument of the appellants based on parity with three villages in respect of which the High Court has given relief by quashing the acquisition.

48. To sum up, following benefits are accorded to the land owners:

48.1. increasing the compensation by 64.7%;

48.2. directing allotment of developed abadi land to the extent of 10% of the land acquired of each of the land owners;

48.3 compensation which is increased at the rate of 64.7% is payable immediately without taking away the rights of the land owners to claim higher compensation under the machinery provided in the Land Acquisition Act wherein the matter would be examined on the basis of the evidence produced to arrive at just and fair market value.

49. This, according to us, provides substantial justice to the appellants.

50. Conclusion Keeping in view all these peculiar circumstances, we are of the opinion that these are not the cases where this Court should interfere under Article 136 of the Constitution. However, we make it clear that directions of the High Court are given in the aforesaid unique and peculiar/specific background and, therefore, it would not form precedent for future cases.

51. We may record that some of the appellants had tried to point out certain clerical mistakes pertaining to their specific cases. For example, it was argued by one appellant that his land falls in a village in Noida but wrongly included in Greater Noida. These appellants, for getting such clerical mistakes rectified, can always approach the High Court.

52. The Full Bench judgment of the High Court is, accordingly, affirmed and all these appeals are disposed of in terms of the said judgment of the Full Bench."

21. As a consequence of the Full Bench decision in Gajraj's case (supra) and the decision rendered by the Supreme Court in Savitri Devi's case (supra) the development authority was required to examine as to whether it would pay additional 64.70% compensation as also 10% abadi

land to land owners who had not filed writ petitions to challenge the acquisition proceedings. The development authority also decided not to allot 10% abadi land to such persons. The Full Bench had drawn a distinction between those who had filed writ petitions and those who had not. Upon consideration of various factors the development authority, however, in view of the directions contained in paragraph 482(4) of the judgment rendered by the Full Bench in Gajraj's case, took a decision to provide only 64.70% additional compensation to such land owners who had not filed writ petitions.

22. After the aforesaid judgment of the Supreme Court the matter was again taken up before a Division Bench of this Court in the case of **Mange @ Mange Ram Vs. State of U.P. and others**¹³. In the aforesaid case it was held that the action of the respondents in not giving additional developed abadi lands to the petitioner is neither arbitrary nor discriminatory. The relevant paragraphs of the aforesaid judgment namely **Mange @ Mange Ram** (supra) are reproduced herein below:-

"12. The Full Bench in order to save the acquisition proceedings had issued the direction for payment of additional compensation and for allotment of developed abadi plots in the extenuating facts and circumstances of the case. The Supreme Court acceded to the said consideration holding that the Full Bench was justified in issuing such directions in the peculiar facts and circumstances of the case and in order to save the acquisition proceedings from the vice of arbitrariness. The Supreme Court while affirming the decision of the Full Bench categorically held that the said decision would not be treated to form a precedent for future cases. The Supreme Court held:

"50. Keeping in view all these peculiar circumstances, we are of the opinion that these are not the cases where this Court should interfere under Article 136 of the Constitution. However, we make it clear that directions of the High Court are given in the aforesaid unique and peculiar/specific background and, therefore, it would not form precedent for future cases."

13. Thus, we are of the opinion that the ratio decendi of the Full Bench cannot be applied to similarly situated persons. The said benefit given by the Full Bench cannot be extended to the petitioners, even though they may be similarly situated and their land had been acquired under the same notification.

14. We are of the view that the action of the respondents in not giving additional developed abadi land to the petitioners is neither arbitrary nor

13. 2016 (8) ADJ 79 (DB)

discriminatory, especially when there is no evidence to dispute the fact that the respondents have no developed land with them for allotment.

15. In the light of the aforesaid, no relief can be granted to the petitioner. All the writ petition fails and are dismissed."

23. The Full Bench in Gajraj's case (supra) had issued specific directions for providing 64.70% additional compensation and 10% abadi land to such persons who had filed writ petitions but in regard to such tenure holders who had not challenged the acquisition proceedings, left it open to the development authority to take a decision to provide 64.70% additional compensation as also to allot 10% abadi land. The petitioners do not have a vested right to claim 64.70% additional compensation and 10% abadi land. They were entitled to receive compensation in terms of the award made by the Special Land Acquisition Officer under Section 11 of the Act, 1894. This additional compensation of 64.70% and 10% abadi land was granted by the Full Bench in Gajraj's case to save the acquisition as it had found that dispensing with the enquiry under section 5-A of the Act, 1894 was not justified.

24. It also transpires that on the similar facts and circumstances, the matter was also agitated before Hon'ble Supreme Court in Khatoon's case (supra). The same was rejected by the Supreme Court on the ground that the appellants have neither any legal right nor any factual foundation to claim the relief of allotment of additional developed abadi plot. The relevant portion of the judgement is reproduced herein below :-

"36. As mentioned above, it is not in dispute that out of the two directions given by the High Court in the case of Gajraj (supra), one direction, namely, award of additional compensation payable at the rate of 64.70% to every landowner was already implemented by the State/Authority and accordingly payment was also made to the Appellants notwithstanding dismissal of their writ petitions. In other words, the Appellant got the partial benefit of the order passed in Gajraj's case (supra) even without contest.

37. Therefore, the only question that now survives for consideration in these appeals is whether the Appellants are entitled to get the benefit of second direction issued by the High Court in the case of Gajraj (supra), namely, allotment of developed abadi plot to the Appellants.

38. In our considered opinion, the Appellants are not entitled to get the benefit of the aforementioned second direction and this we say for the following reasons.

39. First, the High Court in the case of Gajraj (supra) had, in express terms, granted the relief of allotment of developed abadi plot confining it only to the landowners, who had filed the writ petitions. In other words, the High Court while issuing the aforesaid direction made it clear that the grant of this relief is confined only to the writ Petitioners [see condition No. 3(a) and (b)].

40. Second, so far as the cases relating to second category of landowners, who had not challenged the acquisition proceedings (like the Appellants herein) were concerned, the High Court dealt with their cases separately and accordingly issued directions which are contained in condition No. 4(a) and (b) of the order.

41. In condition No. 4(a) and (b), the High Court, in express terms, directed the Authority to take a decision on the question as to whether the Authority is willing to extend the benefit of the directions contained in condition No. 3(a) and (b) also to second category of landowners or not.

42. In other words, the High Court, in express terms, declined to extend the grant of any relief to the landowners, who had not filed the writ petitions and instead directed the Authority to decide at their end as to whether they are willing to extend the same benefit to other similarly situated landowners or not.

43. It is, therefore, clear that it was left to the discretion of the Authority to decide the question as to whether they are willing to extend the aforesaid benefits to second category of landowners or not.

44. Third, as mentioned supra, the Authority, in compliance with the directions, decided to extend the benefit in relation to payment of an additional compensation at the rate of 64.70% and accordingly it was paid also. On the other hand, the Authority declined to extend the benefit in relation to allotment of developed abadi plot to such landowners.

45. Fourth, it is not in dispute, being a matter of record, that when the Authority failed to extend the benefit regarding allotment of additional abadi plot to even those landowners in whose favour the directions were issued by the High Court in the case of Gajraj (supra) and by this Court in Savitri Devi (supra), the landowners filed the contempt petition against the Authority complaining of non-compliance of the directions of this Court but this Court dismissed the contempt petition holding therein that no case of non-compliance was made out.

46. In our view, the Appellants have neither any legal right and nor any factual foundation to claim the relief of allotment of additional developed abadi plot. In order to claim any mandamus against the State for claiming such relief, it is necessary for the writ Petitioners to plead and prove their legal right, which should be founded on undisputed facts against the State. It is only then the mandamus can be issued against the State for the benefit of writ Petitioners. Such is not the case here.

47. Indeed, when the landowners, in whose favour the order was passed by the High Court for allotment of such plot, could not get the plot then, in such

event, there arise no occasion for the Appellants herein to claim such relief for want of any factual and legal basis in their favour.

48. One cannot dispute that the Act does not provide for grant of such reliefs to the landowners under the Act. Similarly, there is no dispute that the State paid all statutory compensation, which is payable under the Act, to every landowner. Not only that every landowner also got additional compensation at the rate of 64.70% over and above what was payable to them under the Act.

49. The reliefs in the case of Gajraj (supra) were granted by the High Court by exercising extraordinary jurisdiction Under Article 226 of the Constitution and keeping in view the peculiar facts and circumstances arising in the case at hand. They were confined only to the landowners, who had filed the writ petitions. Even this Court in Savitri Devi's case (supra) held that the directions given be not treated as precedent for being adopted to other cases in future and they be treated as confined to that case only.

50. That apart, there is no basis for the Appellants to press in service the principle underlined in Article 14 in such cases for the simple reason that firstly, Article 14 does not apply to such cases; and secondly, there is no similarity between the case of those landowners, who filed the writ petitions and the present Appellants, who did not file the writ petitions. Though the High Court, in Gajraj's case (supra) decided the rights of both categories of landowners but the cases of both stood on a different footing. It is for these reasons, the Appellants were not held entitled to take benefit of condition No. 3 (a) and (b) of the case of Gajraj (supra) which was meant for the writ Petitioners therein but not for the Appellants. However, the Appellants were held entitled to take the benefit of only condition No. 4 (a) and (b) of the said judgment and which they did take by accepting the additional compensation payable at the rate of 64.70%.

51. In our view, therefore substantial justice was done to all the landowners including the Appellants, as observed in para 49 of Savitri Devi's case (supra).

52. In our opinion, therefore, there is no case made out by the Appellants for grant of any relief much less the relief of allotment of additional developed abadi plot. If we entertain the Appellants' plea for granting them the relief then it would amount to passing an order contrary to this Court's directions contained in para 50 of the order passed in Savitri Devi's case (supra).

53. In the light of the foregoing discussion and on examining the Appellants' case from any angle, we find no merit in the appeals, which fail and are accordingly dismissed."

(emphasis supplied)

25. Later on, the Greater Noida Authority, in its 104th Board meeting dated 14.03.2016, took a decision to allot 10% of developed land upto the maximum limit of 2,500 square meters pursuant to earlier orders passed by this Court as well as Hon'ble the Supreme Court. The said proposal was later on declined by the State Government vide its order

dated 21.09.2016. As the same had been declined by the State Government, the Greater Noida Authority, in its 115th Board meeting, passed the resolution dated 22.08.2019, in which, vide agenda item no. 115/10, it was resolved that the proposal to allot 10% of developed land subject to the maximum limit 2,500 square meters be re-called.

26. The said decision was again subjected to challenge before the Division Bench in **Runwell India Pvt. Ltd. vs. State of UP and others** (supra), wherein the Division Bench had framed following issues for determination:-

“(i) Whether in view of the judgement of the Apex Court in Savitri Devi's case (supra) and the subsequent judgement in Khatoon's case (supra), the petitioners are entitled for allotment of 10% developed land subject to the ceiling limit of 2,500 square meters?

(ii) Whether the land owners/writ petitioners, who were not parties in the earlier round of litigation, can maintain the claim for allotment of 10% developed land subject to the ceiling limit of 2,500 square meters?

(iii) Whether such land owners/tenure holders who have executed sale deeds in favour of Noida Authority are entitled to claim 10% of developed land subject to the ceiling limit of 2,500 square metres?

(iv) Whether the decision of the State Government, refusing to accord sanction/approval to the proposal of the Greater Noida Authority as taken in its 104th Board meeting dated 14.03.2016, is illegal, unjust and arbitrary?

(v) What will be the effect on the right of the land owners whose writ petitions were dismissed by the Full Bench of this Court in Gajraj and others' case (supra).”

27. The Division Bench had answered the issue nos.(i) and (ii) in paragraph nos.33 to 39; issue no.(iii) in paras 40 & 41 and issue no.(iv) in paras 42 to 44; issue no.(v) in para nos.45 to 48 and drawn conclusion in para 49. For ready reference, the same are reproduced herein below:-

“ISSUE NOS. (i) & (ii):

33. As issue nos. (i) & (ii) are interconnected, therefore, the same are being decided together.

34. It has been vehemently urged on behalf of petitioners that all such tenure holders/land owners, whose land was acquired pursuant to the notifications under Section 4 and 6 of the 1894 Act read with Section 17 of the 1894 Act as well as other notifications covered under the Full Bench Judgement of this

Court in Gajraj's case (supra) or under Savitri Devi's case (supra) decided by Supreme Court, are entitled to the aforesaid benefit.

35. The grounds urged on behalf of petitioners for claiming 10% developed land subject to ceiling limit of 2,500 square meters, though appears to be attractive at the first flush, but are devoid of substance. The submission is that subsequent to the Full Bench judgement of this Court in Gajraj's case (supra), some of the land owners/tenure holders challenged the same before the Supreme Court. All the Civil Appeals/Special Leave Petitions were clubbed together and decided by a common judgement dated 14.02.2015, as Savitri Devi's case (supra), wherein, in paragraph no. 50, it has been held that in view of the peculiar circumstances, the order passed by the High Court would not form precedent for future cases. The observation made in paragraph no. 50 in Savitri Devi's case (supra) reads as under:-

50. Conclusion Keeping in view all these peculiar circumstances, we are of the opinion that these are not the cases where this Court should interfere under Article 136 of the Constitution. However, we make it clear that directions of the High Court are given in the aforesaid unique and peculiar/specific background and, therefore, it would not form precedent for future cases."

(emphasis supplied)

36. Subsequent to the judgement in Savitri Devi's case (supra), the Supreme Court in Khatoon's case (supra), while considering the question as to whether the appellants therein are entitled to claim additional abadi land in lieu of their acquired land in terms of the judgement in Gajraj's case (supra) and upheld in Savitri Devi's case (supra), has held as under:-

"49. That apart, there is no basis for the appellants to press in service the principle underlined in Article 14 in such cases for the simple reason that firstly, Article 14 does not apply to such cases; and secondly, there is no similarity between the case of those landowners, who filed the writ petitions and the present appellants, who did not file the writ petitions. Though the High Court, in Gajraj's case (supra) decided the rights of both categories of landowners but the cases of both stood on a different footing. It is for these reasons, the appellants were not held entitled to take benefit of condition No. 3 (a) and (b) of the case of Gajraj (supra) which was meant for the writ petitioners therein but not for the appellants. However, the appellants were held entitled to take the benefit of only condition No. 4 (a) and (b) of the said judgment and which they did take by accepting the additional compensation payable at the rate of 64.70%.

50. In our view, therefore substantial justice was done to all the landowners including the appellants, as observed in para 49 of Savitri Devi's case (supra).

37. In view of subsequent judgements of this Court as well as the Apex Court as noted herein-above, claim of the land owners/tenure holders for allotment of 10% of Abadi land subject to the ceiling limit of 2,500 square meters has been negated, the benefit, as claimed by the petitioners, cannot be granted.

38. The land owners/tenure holders, whose lands have been acquired under the 1894 Act, are not entitled as a matter of right for allotment of 10% of developed land, subject to the ceiling limit of 2,500 square meters.

39. In view of the aforesaid, as held by the Apex Court in Savitri Devi's and Khatoon's cases (supra), the landowners/tenure holders cannot get benefit of the same as the judgement rendered by the Full Bench of this Court in Gajraj's case (supra) was in view of the peculiar facts & circumstances of the case, which would not form precedent for the future cases and therefore, the benefit cannot be accorded to the petitioners, who were not before the Court in earlier round of litigation.

ISSUE NO. (iii):

40. We shall now deal with the next issue involved in these bunch of writ petitions, i.e., whether such tenure holders, who have executed sale deeds in favour of Noida Authorities in respect of lands sought to be acquired by virtue of notifications published under Sections 4 and 6 of the 1894 Act, are entitled to claim 10% of developed land subject to the ceiling limit of 2,500 square meters. A Division Bench of this Court, vide order dated 03.02.2012 passed in Writ-C no. 6176 of 2012 (Braham Singh and others Vs. State of U.P. and others), negated the claim of such tenure holders.

41. However, in view of the observation contained in paragraph no. 50 of the judgement rendered by the Supreme Court in Savitri Devi's and Khatoon's cases (supra), all tenure holders, who were affected by the notifications under Sections 4 and 6 of the 1894 Act, the benefit cannot be granted to the petitioners. Therefore, we have no hesitation to conclude that by virtue of above, the tenure holders, who have executed sale deeds of their land pursuant to the notifications issued under Sections 4 and 6 of the 1894 Act and such notifications are covered under aforesaid judgements, are not entitled to have the benefit of allotment of 10% developed land subject to the ceiling limit of 2,500 square meters.

ISSUE NO. (iv):

42. The State Government has not filed any counter affidavit disputing the claim of the petitioners. Only oral objections have been raised disputing the claim of the petitioners. It is only during the course of hearing that the letter/order of the State Government dated 21.09.2016 was placed before us. It is on the basis of the aforesaid letter/order of the State Government that Mr. Vineet Pandey, learned Chief Standing Counsel, has submitted before us that the State Government has rightly refused to accord its approval/sanction to the resolution of the Greater Noida Authority dated 14.03.2016 passed in its 104th Board meeting, as the Apex Court in Savitri Devi's and subsequently, in Khatoon's cases (supra) has held that the order passed by the High Court shall not form precedent for future cases.

43. The Greater Noida Authority has taken a specific stand before us that no allotment of land can be made without sanction/approval of the State Government. As the decision taken by the Greater Noida Authority to allot 10% of developed land subject to the ceiling limit of 2,500 square meters has not been approved by the State Government, the Greater Noida Authority has

consequently passed the resolution dated 22.08.2019 in its 115th Board meeting, whereby, a decision has been taken to recall the proposal formulated vide resolution dated 14.03.2016.

44. In view of the judgements of the Apex Court in Savitri Devi's and Khatoon's cases (supra), where the Apex Court has very categorically held that the order passed by the High Court, in the peculiar facts & circumstances, would not form precedent for future cases, no claim can be made on the basis of the Full Bench judgement of this Court in Gajraj's case (supra) and the State Government has rightly refused to accord its approval/sanction to the resolution dated 14.03.2016 passed by the Greater Noida in its 104th Board's meeting.

ISSUE NO. (v):

45. We now come to the last issue involved in this bunch of writ petitions. On behalf of the petitioners, it has been urged that by virtue of the directions issued by the Supreme Court in Savitri Devi's case (supra), all such petitioners, whose lands were acquired under the 1894 Act, are also entitled to allotment of 10% developed land subject to the ceiling limit of 2,500 square meters.

46. The aforesaid claim has been seriously objected to by the learned counsel for respondents. They contend that once the writ petitions were dismissed by the Full Bench of this Court and order passed on the writ petitions of such tenure holders, whose writ petitions were dismissed having not been challenged before the Supreme Court, are now bound by the judgement of the Full Bench of this Court, as qua then the matter attained finality.

47. The objection so raised on behalf of the respondents holds water in view of the observation/direction issued by the Apex Court in Savitri Devi's and Khatoon's cases (supra), wherein, it has been clearly held that directions of the High Court, given in the unique and peculiar/specific background, it would not form precedent for future cases. Therefore, no benefit can be granted to the petitioners, whose writ petitions were dismissed by the Full Bench of this Court in Gajraj's case (supra).

48. The claim so raised by the petitioners appears to be attractive, but is of no substance in view of the observation made in paragraph no. 50 by Supreme Court in the case of Savitri Devi's case (supra) and thereafter, in Khatoon's case (supra). The logical corollary of the same shall be that all such tenure holders, whose lands were acquired pursuant to the notifications involved in Gajraj's case (supra), Savitri Devi's case (supra) as well as Khatoon's case (supra), are not entitled to the aforesaid benefit.

CONCLUSION:

49. Upon evaluation of the submissions advanced on behalf of the learned counsel for the parties, the material available on record as well as the law laid down by the Apex Court in Savitri Devi's and Khatoon's cases (supra) and the judgement of the Full Bench of this Court in Gajraj's case (supra), we do not find any good ground to grant the relief as prayed for. All the writ petitions are devoid of merit and the same are, accordingly, dismissed.”

28. As heavy reliance has been placed upon some exemplars, wherein certain benefit had been extended by the authority and made allotment of 10% abadi land, we find that the bone of contention of the petitioners is unequal treatment between the tenure holders. It is a settled legal proposition that Article 14 of the Constitution of India is not meant to perpetuate illegality or fraud, even by extending the wrong decisions made in other cases. The said provision does not envisage negative equality but has only a positive aspect. Thus, if some similarly situated persons have been granted some relief/benefit inadvertently or by mistake or under some directions of the Court, such an order does not confer any legal right on others to get the same relief as well. If a wrong is committed in an earlier case, it cannot be perpetuated. Equality is a trite, which cannot be claimed in illegality and therefore, cannot be enforced by a citizen or court in a negative manner. If an illegality and irregularity has been committed in favour of an individual or a group of individuals or a wrong order has been passed by a Judicial forum, others cannot invoke the jurisdiction of the higher or superior court for repeating or multiplying the same irregularity or illegality or for passing a similarly wrong order. A wrong order/decision in favour of any particular party does not entitle any other party to claim benefits on the basis of the wrong decision. Even otherwise, Article 14 cannot be stretched too far for otherwise it would make functioning of administration impossible.

29. In **R. Muthukumar & Ors. vs. The Chairman and Managing Director, TANGEDCO & Ors.**¹⁴ a Larger Bench of Hon'ble Apex Court has held that a benefit or advantage conferred without a legal basis or justification cannot be multiplied and used to claim parity in subsequent, separate cases, thereby reinforcing the principles of merit and fairness in public sector recruitment. For ready reference, relevant paragraphs of the judgments are reproduced herein below:-

14. 2022 (2) SLR 778 (SC)

“24. A principle, axiomatic in this country’s constitutional lore is that there is no negative equality. In other words, if there has been a benefit or advantage conferred on one or a set of people, without legal basis or justification, that benefit cannot multiply, or be relied upon as a principle of parity or equality. In **Basawaraj & Anr. v. Special Land Acquisition Officer** (2013) 14 SCC 81, the Apex court ruled that:

“8. It is a settled legal proposition that Article 14 of the Constitution is not meant to perpetuate illegality or fraud, even by extending the wrong decisions made in other cases. The said provision does not envisage negative equality but has only a positive aspect. Thus, if some other similarly situated persons have been granted some relief/benefit inadvertently or by mistake, such an order does not confer any legal right on others to get the same relief as well. If a wrong is committed in an earlier case, it cannot be perpetuated.”

Other decisions have enunciated or applied this principle (Ref: **Chandigarh Admn. v. Jagjit Singh** (1995) 1 SCC 745, **Anand Buttons Ltd. v State of Haryana** (2005) 9 SCC 164, **K.K. Bhalla v. State of M.P.** (2006) 3 SCC 581; **Fuljit Kaur v. State of Punjab** (2010) 11 SCC 455, and **Chaman Lal v. State of Punjab** (2014) 15 SCC 715). Recently in **The State of Odisha v. Anup Kumar Senapati** 2019 SCC Online SC 1207 the Apex court observed as follows:

“If an illegality and irregularity has been committed in favour of an individual or a group of individuals or a wrong order has been passed by a judicial forum, others cannot invoke the jurisdiction of the higher or superior court for repeating or multiplying the same irregularity or illegality or for passing a similarly wrong order. **A wrong order/decision in favour of any particular party does not entitle any other party to claim benefits on the basis of the wrong decision.**”

(emphasis supplied)

30. Judicial propriety demands judicial discipline and thus, we respectfully agree with the judgments passed in the case of **Mange @ Mange Ram** (supra) and **Runwell India Pvt. Ltd.** (supra), wherein the Division Bench had not found any good ground to grant the relief as prayed for and dismissed all the writ petitions. Hon’ble the Apex Court in **Khaton's case** (supra) had also held that the Appellants have neither any legal right and nor any factual foundation to claim the relief of allotment of additional developed abadi plot. It is also not in dispute that the State paid all statutory compensation, which is payable under the Act, to every landowners. Not only that every landowner also got additional compensation at the rate of 64.70% over and above what was payable to them under the Act. The reliefs in the case of **Gajraj** (supra)

were confined only to the landowners, who had filed the writ petition. Even the Supreme Court in Savitri Devi's case (Supra) held that the directions given be not treated as precedent for being adopted to other cases in future and they be treated as confined to that case only.

31. In view of the facts and circumstances of the case, it is clear that the petitioners do not have any vested right to claim the benefit of parity and they are not entitled to the reliefs as claimed by them in these writ petitions. The 10% developed land cannot be allowed to them, in view of law laid down by the Apex Court in the case of **Savitri Devi** (supra) and **Khatoon** (supra), wherein, it has been clearly held that the petitioners have neither any legal right nor any factual foundation to claim the relief of allotment of additional developed abadi land and therefore, no benefit can be granted to the petitioners.

32. Accordingly, all the writ petitions are **dismissed**.

(Hon.Anish Kumar Gupta,J) (Hon. Mahesh Chandra Tripathi,J)

October 15, 2025
RKP