

Court No. - 33

Case :- WRIT - C No. - 65650 of 2011

Petitioner :- Yusuf Ali

Respondent :- State Of U.P. Thru Its Secy. And Others

Counsel for Petitioner :- P.K.S. Paliwal, Gulrez Khan, J.H. Khan

Counsel for Respondent :- C.S.C., Ramendra Pratap Singh

Hon'ble Manoj Misra, J.

Hon'ble Rohit Ranjan Agarwal, J.

Pursuant to the order dated 5th March, 2014, by which learned counsel for the respondent-authority was required to seek instruction as to how much land is available on the spot so that the petitioner's claim may be considered, second supplementary counter affidavit was filed by the fifth respondent of which we find that no reply has been submitted. In paragraphs 13 and 14 of the second supplementary counter affidavit filed by the fifth respondent it is specifically stated that the respondent-authority is in possession of only that area of land of which the State has handed over possession after acquisition. In paragraph 14 it is stated that the authority has not encroached upon any land of the petitioner.

Learned counsel for the petitioner prays for an opportunity to file reply to the second supplementary counter affidavit to demonstrate that the respondent-authority is occupying land in excess of the area that was acquired.

For the said purpose, Sri W.H. Khan, learned senior counsel appearing for the petitioner, prays for and is allowed three weeks time.

List this matter immediately after expiry of three weeks.

Order Date :- 4.12.2018.

Rks.