



HIGH COURT OF JUDICATURE AT ALLAHABAD

FIRST APPEAL No. - 991 of 2025

Ghaziabad Development Authority

.....Appellant(s)

Versus

Jaybhagwan (Deceased) And 9 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Tejasvi Misra
Counsel for Respondent(s)	:	Akanksha Gaur, C.S.C.

Court No. - 38

HON'BLE SANDEEP JAIN, J.

The instant appeal has been filed under Section 74 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 against the impugned judgment and decree dated 07.12.2024 and 19.12.2024 respectively, passed by the Presiding Officer, LARRA, Gautam Buddh Nagar in LAR No.366 of 2023 (old number 514 of 1997), Jaybhagwan (deceased) through LRs & others Vs. State of U.P. & another, whereby a compensation @ Rs. 163/- per square yard alongwith other statutory benefits admissible under the Act have been awarded to the land owners for their acquired land situated in village Sadarpur, Pargana Dasna, Tehil and District Ghaziabad.

Sri Tarun Agarwal learned Senior Counsel assisted by Sri Tejasvi Misra learned counsel for the appellant submitted that the highest exemplar applicable in the case discloses that the land transaction took place at the rate of only Rs.112.85 per square yard, as such, the reference court could not have awarded compensation @ Rs.163/- per square yard. It was further submitted that the reference court has awarded excessive amount of compensation ignoring the exemplars available on record. With these submissions, it was prayed that the appeal be admitted for hearing.

Per contra, Ms. Akansha Gaur, learned counsel for the respondents-land owners submitted that in identical land acquisition matter regarding acquisition of land situated in similar village in the year 1988, the Apex Court has granted compensation @ Rs. 163/- per square yard to the land owners, which was followed by the reference court. She further submitted

that the land owners were infact awarded less compensation than what they were legally entitled to receive for their acquired land. It was further submitted that in the instant case, acquisition of land took place in the year 1991 but the compensation has been awarded keeping in view of the earlier acquisition made in the year 1988, as such, yearly escalation at least @ 5% was, permissible in this case and the land owners were entitled to get higher compensation for their acquired land and for this, the land owners have filed cross appeals before this Court, which is pending for disposal.

The matter requires consideration.

Appeal is admitted.

Issue notice to the respondent No.4.

Steps be taken by both ways within a week.

List after four weeks.

Office is directed to summon the lower court record.

The operation of the impugned judgment and decree shall remain stayed, provided the appellant deposits the entire amount of enhanced compensation awarded by the reference court within a period of two months from today. Out of the said amount, 50% shall be released in favour of the respondents-land owners with security or surety, and the remaining amount shall be subject to the final decision of this Court in the appeal, which will be invested in a fixed deposit of a bank for one year, to be renewed from time to time, by the court concerned.

(Sandeep Jain,J.)

February 11, 2026

Himanshu