

Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 117 of 2024

Petitioner :- Bhartiya Kisan Union Pathik

Respondent :- State of U.P. And 4 others

Counsel for Petitioner :- Anil Kumar Dubey,Prabha Shanker Pandey

Counsel for Respondent :- C.S.C.,Ravi Prakash Pandey

Hon'ble Arun Bhansali,Chief Justice

Hon'ble Vikas Budhwar,J.

1. This writ petition has been filed by the petitioner-Society through its National Chairman, *inter alia*, seeking several reliefs in relation to the acquisition of land vide Gazette Notification dated 25.10.2010, under the provisions of the Land Acquisition Act, 1894.

2. Learned counsel for the respondent, at the outset, made submissions that this is the fourth petition in a row filed, purportedly in public interest. The first petition being Writ - C No. 40641 of 2023 was filed by Jagveer Singh and another, wherein Jagveer Singh appeared in person, seeking high level inquiry in respect of the land acquired by Hi-Tech Township, i.e., land in question. When submissions were made on behalf of respondents that award for the acquired land was made on 15.01.2013 and the affected farmers have withdrawn the compensation long back and the petition was motivated and amounts to abuse to process of Court, the Coordinate Bench of this Court, on finding substance in the submissions and attempt to make a rowing inquiry, dismissed the writ petition leaving it open for any affected persons to approach the competent authority. Thereafter, Writ - C No. 45322 of 2023 was filed by Sukhveer and another, wherein also the similar prayers seeking to question the project report and seeking compensation for land in question were made, which petition also came to be rejected by order dated 13.02.2024. Thereafter, the Public Interest Litigation being P.I.L. No. 481 of 2024 came to be filed by Mahakar Singh, wherein the awards were questioned and submissions were made that the land have been acquired by land grabbers from the farmers and they have been paid compensation, which petition also came to be rejected by this Court on 11.03.2204.

3. By order dated 01.02.2024, the petitioner, a registered Union, was directed to produce its registration certificate and list of members pursuant to which the supplementary affidavit has been filed, *inter alia*, annexing a trust deed dated 06.12.2023, which indicates Ompal Singh as Chairman of the Trust and seven persons as its trustees including Ompal Singh. However, copy of list of members has not been produced and when counsel for the petitioner was asked about the list of members, it was indicated that only the trustees are the members of the Union.

4. A perusal of the documents annexed to the petition being Annexure No. 6, indicates a representation dated 11.01.2024, signed by Jagveer Singh on behalf of the petitioner-Union. However, Jagveer Singh, apparently, is not one of the members of the Union as his name is not reflected in the list of trustees as produced. The said Jagveer Singh is the same person whose petition was dismissed by the Coordinate Bench of this Court being Writ - C No. 40641 of 2023, vide order dated 04.12.2203, on finding that rowing inquiry was sought to be made. As to how the communication has been signed on behalf of the Union by the said Jagveer Singh is not known to the counsel for the petitioner. Besides above, more documents bearing signatures of said Jagveer Singh are available on record including Annexure No. 4. From the above status of the pleadings and the stand taken by the petitioner pertaining to the membership, it is apparent that despite dismissal of several petitions on the subject matter of the present writ petition, another attempt by forming a new Union has been made for the same purpose and at least one of the previous petitioners is involved into the said activity.

5. The repeated attempt on part of the petitioner to raise the issue which already stood concluded by filing petitions in one form or the other in the name of Public Interest Litigation cannot be countenanced under any circumstance. The attempts made, as noticed hereinbefore, essentially amount to manipulation and attempt to mislead the Court, which action of the petitioner deserves to be dealt with heavy hand.

6. In view thereof, the petition is dismissed as motivated, with a cost of Rs. 50,000/-. The cost would be deposited with the Registrar General within a period of four weeks. On failure of the Union to deposit the said cost, the matter shall be listed again before the Court for taking appropriate action against the petitioner.

Order Date :- 4.4.2024

Mukesh Pal/P.Sri.

(Vikas Budhwar, J) (Arun Bhansali, CJ)