



2025:AHC-LKO:84063

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**MATTERS UNDER ARTICLE 227 No. - 5562 of 2025**

U.P. Expressway Industrial Development Authority Thru. Chief Executive Officer Lko.

.....Petitioner(s)

Versus

Land Acquisition Rehabilitation And Resettlement Auth. Lko. And 3 Others

.....Respondent(s)

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Counsel for Petitioner(s) : Abhineet Jaiswal, Pritish Kumar

Counsel for Respondent(s) : Ankit Kumar Pandey, Ashutosh Verma, Aviral Raj Singh, C.S.C., Dhruv Kumar Singh, Palash Banerjee, Ritwick Rai, Vaibhav Tiwari

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**Court No. - 17**

**HON'BLE SUBHASH VIDYARTHI, J.**

1. Heard Sri Abhineet Jaiswal, the learned counsel for the petitioner, Sri Ashish Saxena, the learned Standing Counsel appearing on behalf of the State, Sri Ritwick Rai, the learned counsel for the opposite party no.2 and perused the records.
2. By means of the instant petition filed under Article 227 of the Constitution of India the petitioner has challenged the validity of a judgment and order dated 03.05.2025, passed by the Presiding Officer, Land Acquisition Rehabilitation and Resettlement Authority, Lucknow in Review Application No.9C of 2025 (InRe: Reference Case No.26 of 2023), whereby the review application filed by the opposite party no.2 has been partly allowed and the compensation payable to the opposite party no.2 for land acquisition has been recalculated.
3. Assailing the validity of the aforesaid order, the learned counsel for the petitioner has submitted that the land of the opposite party no.2 was acquired in the year 2021. The Special Land Acquisition Officer published an award on 14.02.2023 fixing the compensation payable to the opposite party no.2 at the rate of Rs.35,00,000/- per

hectare as per which the compensation amount payable as land acquisition compensation was Rs.90,87,726/-.

4. The opposite party no.2 has challenged the award by filing Reference Case No.26 of 2023 which was allowed by means of a judgment and order dated 23.03.2024, passed by the Presiding Officer, Land Acquisition Rehabilitation and Resettlement Authority, Lucknow, whereby the compensation was ordered to be paid at the rate of Rs.40,00,000/- per hectare with an enhancement of 10% i.e. Rs.44,00,000/- per hectare.

5. The opposite party no.2 filed an application for review of the aforesaid order which was initially rejected by means of an order dated 27.08.2024. The opposite party no.2 challenged the validity of the order dated 27.08.2024 by filing a petition under Article 227 No.4600 of 2024 which was disposed of by means of an order dated 30.01.2025 whereby the order dated 27.08.2024 was set aside, the matter was remanded to the authority concerned to consider the review application afresh and specifically to consider whether the petitioner could have been granted the benefit of the circle rates notified for the year 2020 in its totality as claimed by the petitioner or not. It is after the remand that the authority has allowed the review application by means of the impugned order dated 03.05.2025.

6. In the review order the authority has held that the acquired land bearing Khasra Nos.1665 and 1666 is situated on a connecting road. Village Ehar has been declared as a developing revenue village and therefore the compensation should be assessed taking into consideration Clauses 12 and 14 of circle rate list. The authority has recalculated the amount accordingly.

7. Assailing the validity of the aforesaid review order the learned counsel for the petitioner has submitted that as per the market rate fixed by the Collector Raebareli market rate of land situated on connecting road for Village Ehar is Rs.40,00,000/- per hectare which is evident from the copy of sale deed dated 25.08.2021

annexed as Annexure No.5 to the rejoinder affidavit. He has submitted that this aspect also ought to have been considered by the authority while reviewing the order.

8. The learned counsel for the opposite party no.2 has opposed the aforesaid submission stating that this is a new plea being raised by the petitioner and this plea was not raised earlier.

9. In response to the aforesaid objection, the learned counsel for the petitioner has submitted that the plea raised by the opposite party no.2 seeking review of the order dated 23.03.2024 had also raised as a new plea which had not been raised earlier. When the petitioner's review has been allowed on a new plea raised by her, the respondent is also entitled to raise new plea in its defence.

10. I find substance in the aforesaid submission made by learned counsel for the petitioner. Accordingly, the writ petition is allowed. The order dated 03.05.2025, passed by the Presiding Officer, Land Acquisition Rehabilitation and Resettlement Authority, Lucknow in Review Application No.9C of 2025 (InRe: Reference Case No.26 of 2023) is hereby set aside. The matter is remanded to the Land Acquisition Rehabilitation and Resettlement Authority, Lucknow for being decided afresh after taking into consideration all the pleas raised by the parties and giving them adequate opportunity of hearing.

**December 15, 2025**  
Ram.

**(Subhash Vidyarthi,J.)**