



THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Petition No. 2299 of 2025

QUORUM

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

Hon'ble Shri Griesh Kumar Vaish, Member (Law)

IN THE MATTER OF

Revision under Sub Rule 3 of Rule 3 of Works of Licensees Rules, 2006.

AND

IN THE MATTER OF

1. Chandan Singh, aged about 47 years, son of Krishna Pratap Singh.
2. Rohit Singh, aged about 42 years, son of Krishna Pratap Singh
both residents of: House No. 7/3/9, Devkali Road, District: Ayodhya,
presently residing at: House No. 193A, Village & Post Kannupur,
Jalalpur, District: Ambedkar Nagar.

.....Revisionists

VERSUS

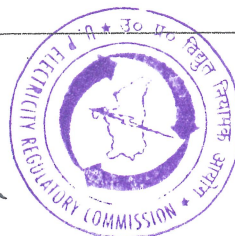
1. U.P. Power Transmission Corporation Limited, Basti.
2. Sub Divisional Officer, Electricity, Sub-Division- Gidahi, Basti.
3. Executive Engineer (Transmission), Basti.
4. District Magistrate/Collector, Ambedkar Nagar.
5. Tehsildar, Tehsil-Tanda, District: Ambedkar Nagar.

..... Respondents

THE FOLLOWING WAS PRESENT

Sh. Chandan Singh, Revisionist.

by





ORDER

(DATE OF HEARING: 20.08.2026)

1. The instant Revision Petition has been filed by the Revisionist challenging the Order dated 05.11.2024, passed by the District Magistrate, District Ambedkar Nagar in Application No. 63/जे०आर०के०/मा०उच्च न्या०-आदेश/प्रत्या०निस्ता०/2024 in compliance of direction/order dated 05.07.2024, passed in Writ-C No. 13205 of 2020 (Chandan Singh & another Vs. U.P. Power Transmission Corporation, Basti & others). The Prayers in the Revision Petition are as follows:
 - (a) Issue/reject the order dated 05.11.2024 passed by the District Magistrate, Ambedkar Nagar and directed to give compensation the revisionists.
 - (b) Issue a direction to the opposite parties to pay the compensation according to the present circle rate with interest to the revisionists as asked by Tehsil report dated 05.09.2019.
 - (c) Issue any other suitable order or direction which this Court may deem just and proper in favour of the revisionists.
 - (d) Allow the revision with cost in favour of the revisionists.

BRIEF FACTS OF THE PETITION

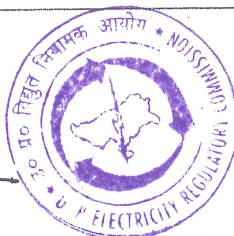
2. The Revisionists have filed the present revision challenging the Order dated 05.11.2024 passed by the District Magistrate, District Ambedkar Nagar in compliance with the direction/Order dated 05.07.2024 passed in Writ-C No. 13205 of 2020 (Chandan Singh & another Vs. U.P. Power Transmission Corporation, Basti & others). The Revisionists had also approached the Hon'ble High Court, Lucknow Bench, Lucknow by filing Writ-C No. 3520 of 2025 (Chandan Singh and another Vs. UPPTCL, Basti and others), which was disposed of vide Order dated 15.04.2025. According to the Revisionists, the cause of action for filing the present revision arose on 05.11.2024 upon passing of the impugned Order and further in view of the Order dated 15.04.2025 passed by the Hon'ble High Court.
3. The Revisionists submitted that Respondent No. 1 i.e UPPTCL, Basti had issued a letter under the Electricity Act seeking details of the land for which compensation was to be paid and a copy thereof was sent to the Tehsildar, Tehsil Tanda, District Ambedkar Nagar for verification of ownership and determination of compensation according to the circle rate. It was submitted that all required information/details





of the land along with supporting documents and decrees of the Civil Court were provided by the Revisionists; however, the Tehsil authorities started misguiding and making the matter difficult for them.

4. The Revisionists submitted that initially the Tehsildar, Tanda mentioned a wrong Gata number in his report by recording Gata No. 100 in place of Gata No. 99. Upon objection being raised by the Revisionists, the Tehsildar admitted the mistake and submitted another report dated 05.09.2019 stating that Gata No. 100 had been mentioned in place of Gata No. 99 in the earlier report dated 27.05.1999. It was further submitted that although the correct Gata number was thereafter reflected, the Tehsildar again misguided the matter by not mentioning the names of the Revisionists as owners in the said report. According to the Revisionists, Respondent No. 2 i.e Sub Divisional Officer, Basti thereafter addressed another letter dated 11.12.2019 to the Tehsildar requesting him to resend the report mentioning the name of the owner.
5. It was further submitted that in response to the aforesaid letter, a report was received from the Tehsil on 08.01.2020 wherein the name of the owner was again not mentioned and it was merely stated that the land was found in the shape of a plot and that no one was in possession thereof. The Revisionists contended that neither the name of the owner was disclosed nor was any value given to the Civil Court decree.
6. The Revisionists submitted that due to the aforesaid misleading reports they were constrained to approach the Hon'ble High Court by filing Writ-C No. 13205 of 2020 (*Chandan Singh & another Vs. UPPTCL, Basti & others*), which was disposed of vide Order dated 05.07.2024. According to the Revisionists, during the proceedings the counsel for the respondents argued that they were bound by the revenue records, accordingly, the matter was referred to the District Magistrate, Ambedkar Nagar for examination of the matter and for passing a reasoned and speaking order. However, the District Magistrate passed an arbitrary order without considering the decree of the Civil Court.
7. The case of the Revisionists is that a dispute arose regarding old Abadi Gata No. 268 and new Gata Nos. 99 and 100 in the year 1946, whereafter Regular Suit No. 463 of 1946 for declaration and possession was instituted by their forefather, Bajrangi Singh, before the Court of Civil Judge, Faizabad. The said suit came to be decreed by the Munsif North, Faizabad on 15.11.1946.





8. The Revisionists further submitted that thereafter old Gata No. 268 was divided into two parts, namely Gata No. 99 and Gata No. 100, and the name of the School of Basic Shiksha Parishad was recorded therein. It is submitted that subsequently Suit No. 101 of 1985 for declaration and injunction, based upon the decree of 1946, was instituted by the father of the plaintiffs against the State of Uttar Pradesh through Respondent No. 4, District Magistrate, Gaon Sabha, Basic Shiksha Parishad and the School, which was also decreed on 28.07.1990 by the Additional Civil Judge, Faizabad.
9. The Revisionists submitted that in Suit No. 101 of 1985 both the District Magistrate and the Gaon Sabha were parties and, therefore, cannot deny the Civil Court decree. According to the Revisionists, since the said judgments and decrees were never challenged by the respondents by way of appeal, the respondents remain bound by the same. It is further submitted that maintenance of revenue records is the duty of the Collector and any failure on the part of the Collector cannot prejudice the Revisionists.
10. The Revisionists has contended that the District Magistrate neither discharged his duty nor followed the binding decrees of the Civil Court and decided the matter arbitrarily merely on the ground that Execution Case No. 02 of 2024 is pending. The Revisionists has therefore submitted that the Order dated 05.11.2024 is liable to be quashed and that they are entitled to compensation according to the circle rate along with interest.
11. In support of the present revision, the Revisionists have, inter alia, urged the following grounds:
 - i. Because District Magistrate and Gaon Sabha both are bound by the Civil Court Decree.
 - ii. Because to maintain the revenue record is duty of Collector/District Magistrate.
 - iii. Because if Collector or respondent did not perform his duty the Revisionists cannot be punish for this.
 - iv. Because the orders of Collector dated 05.11.2024 is arbitrary, unsound and is liable to be quashed.
 - v. Because not examined all records of the Revisionists.





vi. Because not mentioned and rely upon civil court's two decrees from that he is bound.

Reply of Respondent No. 3 – Executive Engineer, UPPTCL, Basti dated. 27.04.2026

12. UPPTCL submitted that during the construction of the 400 kV NTPC (Tanda)-Basti transmission line, Tower at Location No. 82 was erected on Gata No. 99 situated in Village Khairpur, Pargana and Tehsil Tanda, District Ambedkar Nagar, as reported by the Tehsildar, Tanda.
13. UPPTCL further submitted that the ownership of Gata No. 99 has not yet been determined by the District Magistrate, Ambedkar Nagar. Consequently, compensation in respect of the said land could not be disbursed to the landowner. UPPTCL submitted that upon determination of the ownership of the land by the District Magistrate, Ambedkar Nagar, the compensation amount shall be transferred to the concerned landowner in accordance with the applicable rules and regulations.

Reply of Respondent No. 4 - District Magistrate, Ambedkar Nagar dated. 05.06.2026:

14. The District Magistrate has submitted its reply to the Revision Petition. The facts are as follows:

“माननीय आयोग द्वारा पारित आदेश दिनांक 28.04.2026 का कियात्मक अंश निम्नवत है-

6. In view of the divergent submissions made by the Revisionist and the observations recorded by the District Magistrate, Ambedkar Nagar, this Commission is of the considered view that there exists ambiguity with respect to the issue of title dispute. In these circumstances, a clear and specific response from the District Magistrate, Ambedkar Nagar is necessary to clarify the position.

Accordingly, in order to examine the matter effectively and without entering into issues relating to title, which is admittedly beyond the jurisdiction of this Commission, the District Magistrate, Ambedkar Nagar is directed to file a comprehensive reply within three (3) weeks, positively, clearly indicating:

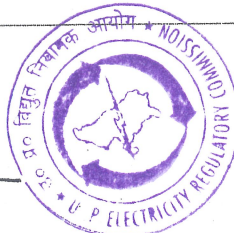
7. (a) whether the decree relied upon by the Revisionist has attained finality and whether the same pertains to the land in question;

(b) the present status of disputes, if any, and their scope;

Thereafter, the Revisionist may file its rejoinder, if any, within two (2) weeks thereafter.

8. The matter is listed for the next hearing on 09.06.2026."

सादर अवगत कराना है कि माननीय आयोग द्वारा पारित आदेश दिनांक 28.04.2026 के अनुक्रम में प्रकरण के परिप्रेक्ष्य में प्रश्नगत भूमि की अद्यतन स्थिति के संबंध में स्थलीय एवं अभिलेखीय जांच उपजिलाधिकारी, टाण्डा जनपद अम्बेडकरनगर से करायी गयी। उपजिलाधिकारी, टाण्डा ने पत्र संख्या





171/एस०टी०/ श्री चन्दन सिंह-आख्या/2026 दिनांक 21 मई, 2026 के माध्यम से अपनी विस्तृत आख्या प्रस्तुत की है। आख्यानुसार ग्राम खैरपुर परगना व तहसील टाण्डा जनपद अम्बेडकरनगर के राजस्व अभिलेख के वर्तमान फसली वर्ष 1426-1431 में खाता संख्या 146 की गाटा संख्या 99 आबादी श्रेणी 6(2) के खाते में अंकित है तथा जोत चकबन्दी आकार पत्र 41 व 45 में भी गाटा संख्या 99 रकबा 01-02-17, आबादी श्रेणी 6(2) के खाते में अंकित है। जोत चकबन्दी आकार पत्र 41 के अनुसार गाटा संख्या 99 पुराना गाटा संख्या 268/1 है एवं गाटा संख्या 100/0.1930 हे० जूनियम हाईस्कूल, फतेहपुर के नाम दर्ज अभिलेख है।

मौके पर गाटा संख्या 99 व गाटा संख्या 100 का स्थलीय निरीक्षण करने पर पाया गया कि गाटा संख्या 99 में विजली का खम्भा 61 फुट×61 फुट कुल 3721 वर्गफुट अर्थात् 0.0346 हे० भूमि पर लगा हुआ पाया गया तथा गाटा संख्या 100 व गाटा संख्या 99 का शेष भूमि मौके पर खाली है।

निगरानीकर्ता के पिता कृष्ण प्रताप सिंह द्वारा न्यायालय अपर सिविल जज, फैजाबाद में मूल वाद संख्या 101/85 कृष्ण प्रताप सिंह बनाम बेसिक शिक्षा परिषद द्वारा चेयरमैन आदि का वाद योजित किया गया, जिसमें दिनांक 28.07.1990 को संबंधित न्यायालय द्वारा इस आशय का आदेश पारित किया गया कि "दावा वादी एकपक्षीय वाद व्यय के साथ आज़ाप्ति किया जाता है तथा वादग्रस्त भूमि साविक में 268/1 रकबा 01-02-17 खाता संख्या 146 व नया नम्बर 100, 15 बिस्वा 05धुर खाता संख्या 85 जिसकी चौहद्दी वादपत्र के अंत में दी गयी है के संबंध में यह घोषणा की जाती है कि यह सम्पत्ति वादी की है इस सम्पत्ति से प्रतिवादीगण से किसी प्रकार से कोई संबंध नहीं है तथा प्रतिवादीगण को जरिये स्थायी व्यादेश सदैव के लिए वर्णित किया जाता है कि विवादित भूमि संख्या 99 रकबा 01-02-17 में वादी के कब्जा दखल में कोई हस्तक्षेप न करें तथा भूमि संख्या-100 पर स्थित दरख्तान को न काटें और न बरबाद करें तथा वादी के शान्तिपूर्ण कब्जा दखल में कोई हस्तक्षेप न करें।"

वर्तमान में उक्त भूमि पर आवेदक के कब्जा दखल में विवाद है। आवेदक का विवादित भूमि पर किसी प्रकार का कब्जा दखल नहीं है मौके पर भूमि खाली पड़ी है। आवेदक द्वारा डिकी दिनांक 28.07.1990 के आधार पर बिजली के खम्भे को लगाये जाने से प्रभावित हुई भूमि का मुआवजा मय व्याज की मांग की जा रही है। सिविल न्यायालय द्वारा पारित डिकी का खतौनी पर अंकन किया जाना संभव नहीं है।

उल्लेखनीय है कि प्रश्नगत प्रकरण के संबंध में याची चन्दन सिंह द्वारा माननीय उच्च न्यायालय इलाहाबाद, खण्डपीठ लखनऊ में रिट याचिका: रिट-सी/13205/2020 'चन्दन सिंह व अन्य बनाम यू०पी०पावर ट्रान्समिशन कारपोरेशन लिमिटेड बस्ती व अन्य योजित की गयी थी, जिसमें माननीय उच्च न्यायालय द्वारा दिनांक 05.07.2024 को इस आशय का आदेश पारित किया गया था कि-

"This petition is disposed of with a direction to the respondent no.4-District Magistrate, Ambedkar Nagar, to look into the dispute and after giving appropriate opportunity of hearing to all concerned and examining all records pass appropriate reasoned and speaking order within a period of three months from the date a certified copy of this order is produced before him."

उक्त आदेश के अनुपालन हेतु याची श्री चन्दन सिंह द्वारा जिलाधिकारी, अम्बेडकरनगर के समक्ष प्रत्यावेदन प्रस्तुत किया गया, जिसमें समुचित सुनवाई करते हुए इस कार्यालय के पत्रांक 63/जे०आर०के० / मा० उच्च न्या० आदेश / प्रत्या० निस्ता०/2024 दिनांक 05 नवम्बर, 2024 द्वारा प्रत्यावेदन का निस्तारण किया जा चुका है

इसी संबंध में जिला बेसिक शिक्षा अधिकारी, अम्बेडकरनगर द्वारा उप जिलाधिकारी, टाण्डा को प्रेषित पत्र के माध्यम से उपलब्ध करायी गयी आख्या के द्वारा अवगत कराया गया है कि 'प्रश्नगत





प्रकरण में मूल वाद संख्या 101/85 कृष्ण प्रताप सिंह बनाम प्रधानाचार्य बेसिक शिक्षा परिषद व अन्य में एकपक्षीय आदेश दिनांक 28.07.1990 को लेकर न्यायालय अपर सिविल जज (सी०डि०) द्वितीय अयोध्या के समक्ष प्रार्थनापत्र अंतर्गत आदेश 09 नियम 4 धारा-151 जा०दी० दिया गया है। प्रकरण विद्यालय की भूमि से संबंधित है।

यह भी अवगत कराया गया है कि दिनांक 28.07.1990 मूल वाद संख्या 101/85 कृष्ण प्रताप सिंह बनाम प्रधानाचार्य बेसिक शिक्षा परिषद में दाखिल स०प्र०संख्या-01/2026 जूनियर हाईस्कूल, फतेहपुर टाण्डा बनाम चन्दन सिंह आदि में प्रार्थनापत्र दिनांक 15.12.202, स०प्र०सं०10/2013 ता० फैसला दिनांक 18.07.2014 को अविलम्ब रिकाल कराने हेतु प्रार्थनापत्र न्यायालय अपर सिविल जज (सी०डि०) द्वितीय / ए०सी० जे०एम०, अयोध्या के समक्ष प्रधानाध्यापिका, जूनियर हाईस्कूल फतेहपुर, टाण्डा एवं उ०प्र० राज्य सरकार द्वारा कलेक्टर, फैजाबाद/अयोध्या द्वारा भी स०प्र०सं०-14/26 सरकार बनाम चन्दन सिंह आद बाजदायर प्रार्थनापत्र दिनांक 25.02.2026 को न्यायालय अपर सिविल जज (सी०डि०) द्वितीय, अयोध्या के समक्ष दाखिल किया गया है जो कि अपर सिविल जज (सी०डि०) द्वितीय, अयोध्या के न्यायालय में विचाराधीन है।

इस प्रकार प्रश्नगत विवादित भूमि गाटा संख्या 99 व गाटा 100 खतौनी में आवेदक के नाम दर्ज नहीं है, न ही आवेदक का उक्त गाटों पर किसी रूप में कम्मा दखल है एवं पूर्व प्रगत प्रकरण के संबंध में आवेदक द्वारा प्रस्तुत प्रत्यावेदन का निस्तारण किया जा चुका है तथा उक्त प्रकरण से संबंधित इजराय वाद संख्या 02/2024 'कृष्ण प्रताप सिंह आदि बनाम बेसिक शिक्षा अधिकारी आदि में न्यायालय सिविल जज (जू०डि०) टाण्डा अम्बेडकरनगर द्वारा पारित आदेश दिनांक 09.02.2026 के विरुद्ध रिकाल प्रार्थनापत्र सिविल जज (जू०डि०) टाण्डा अम्बेडकरनगर के न्यायालय के समक्ष विचाराधीन है।

Rejoinder filed on Reply of District Magistrate, Ambedkar Nagar dated. 21.07.2026

15. The Revisionists submitted that, in compliance with the Commission's Order dated 28.04.2026 and with reference to the present status of the subject land, the report submitted by the Sub-Divisional Magistrate, Tanda vide Letter No. 171/ST/Chandan Singh Report 2026 dated 21.05.2026 is factually incorrect and suppresses material facts relevant to the adjudication of the matter.
16. The Revisionists submitted that a declaratory decree and permanent injunction have been passed in favour of the Revisionists, whereby the Government of Uttar Pradesh, Junior High School Fatehpur and Gram Sabha Khairpur have been permanently restrained from interfering with the peaceful possession of the land bearing New Gata No. 99 (Old Gata No. 268/1) and from cutting trees standing thereon. The Revisionists submitted that, on the basis of the judgment dated 15.05.1947 passed in Case No. 463 of 1946 titled Bajrangi Singh vs. Indradev Singh, the learned II Additional Civil Judge, Faizabad passed judgment in Original Suit No. 101 of 1985 on 28.07.1990 and decree dated 10.08.1990 in favour of the





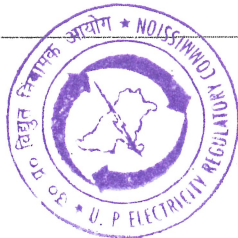
father of the Revisionists. Since then, the father of the Revisionists and thereafter the Revisionists have remained in possession and occupation of the land.

17. The Revisionists further submitted that the report states that the land on which the electricity tower has been erected, namely Gata No. 99, is disputed and vacant. However, the report neither discloses the nature of the alleged dispute nor identifies the persons with whom such dispute is stated to exist.
18. In this regard, the Revisionists raised various concerns and submitted that it is unclear whether the judgment and decree passed in their favour have ceased to have legal effect. The Revisionists questioned whether any competent court has granted relief in favour of the Respondents and, if so, the same should be produced on record. It was further submitted that if the land was truly disputed, the authority under which the transmission tower was erected on the said Gata number ought to be clarified. The Revisionists also questioned whether erection of the tower despite the subsisting decree amounts to disobedience of an order passed by a competent court. Further, the Revisionists submitted that if they were not regarded as owners of the land, the Respondents ought to explain the circumstances under which their consent was obtained through a consent letter.
19. The Revisionists submitted that, pursuant to the application dated 10.06.2019, the Sub-Divisional Officer, Transmission Sub-Division-I, Basti and the Tehsil Lekhpal corrected the erroneous reference to Gata No. 100 and substituted the same with the correct Gata No. 99. It is also contended that compensation payable to the Revisionists was unnecessarily delayed due to the incorrect mentioning of Gata No. 100 by subordinate revenue officials and that the error was rectified only after the Revisionists filed the aforesaid application.
20. The Revisionists further submitted that the observation in the report that their name is not recorded in the revenue records is misconceived. It was contended that the land is classified as abadi land under Category 6(G), and therefore the name of the claimant cannot be entered in the Khatauni. The Revisionists submitted that the decree passed by the competent Civil Court remains binding and valid and has been deliberately ignored in the report. It was also alleged that the authorities responsible for verification had previously litigated against the Revisionists and, therefore, a misleading report has been submitted with the objective of delaying the release of compensation.





21. The Revisionists further submitted that although the Respondents have relied upon various litigations and proceedings, none of the orders passed therein pertain to Gata No. 99. According to the Revisionists, the proceedings relied upon by the Respondents relate to Junior High School and merely because a suit or proceeding has been instituted, the property cannot be treated as disputed in the absence of any specific order passed by a competent court.
22. In support of the aforesaid submissions, the Revisionists placed reliance upon the judgments:
- Sanjiv Kumar Singh Vs State of Bihar on 24 January 2023**, Bench: A.S. Bopanna and Hima Kohli, Petition(s) for Special Leave to Appeal (C) arising out of impugned final judgment and order dated 18.08.2022 in CWJC No. 11593 of 2022 passed by the High Court of Judicature at Patna, wherein it was observed under Order XLI Rule 5 of the Code of Civil Procedure, 1908 that filing of an appeal is not an automatic stay of the decree.
 - Madhavan Nair Vs Bhaskar Pillai (Dead) by LRs**, Supreme Court of India, New Delhi, before Hon'ble Mr. Justice Shivaraj V. Patil and Hon'ble Mr. Justice D.M. Dharmadhikari, Civil Appeal No. 6124 of 1997, Filing No. 14285 of 1997, CNR No. SCIN010142851997.
 - Ashish Kumar Vs Union of India**, 2023 AHC 158937-DB, before Hon'ble Mr. Justice Mahesh Chandra Tripathi, Writ-C No. 20359 of 2023.
23. On the basis of the above submissions, the Revisionists has contended that the subject land bearing Gata No. 99 is abadi land falling under Category 6(G) and that ownership thereof stands clearly declared by the competent Civil Court. Accordingly, the Revisionists prayed that compensation in respect of the said land be released in their favour without any further delay.
24. The present Revision Petition has been filed by the Revisionists challenging the Order dated 05.11.2024 passed by the District Magistrate, Ambedkar Nagar pursuant to the directions issued by the Hon'ble High Court in Writ-C No. 13205 of 2020 (Chandan Singh & Another vs. U.P. Power Transmission Corporation Ltd., Basti & Others). The Revisionists have contended that despite the civil court decrees relied upon by them in respect of Gata No. 99, situated at Village Khairpur, Tehsil Tanda, District Ambedkar Nagar, compensation for the land affected by the 400 kV NTPC (Tanda)-Basti Transmission Line has not been paid to them. The Revisionists





have alleged that the impugned order has been passed without properly appreciating the decrees passed in their favour and have accordingly sought setting aside of the Order dated 05.11.2024, along with a direction upon the respondents to release compensation in their favour at the prevailing circle rate along with applicable interest.

25. In order to examine the aforesaid issues, it is necessary to first consider the findings recorded in the impugned Order dated 05.11.2024 passed by the District Magistrate, Ambedkar Nagar. The relevant extracts of the said order are reproduced hereunder:

"मेरे द्वारा याची श्री चन्दन सिंह पुत्र स्व० कृष्ण प्रताप सिंह के प्रत्यावेदन / प्रार्थना पत्र दिनांक 12.07.2024 में अंकित तथ्यों एवं उनके व ग्राम प्रधान, ग्राम पंचायत खैरपुर परगना व तहसील टाण्डा द्वारा अपने पक्ष में प्रस्तुत अभिलेखीय साक्ष्यों एवं उप जिलाधिकारी, टाण्डा तथा अधिशाषी अभियन्ता, 30 प्र० पावर ट्रान्समिशन कारपोरेशन लिमिटेड, जनपद बस्ती की आख्या का अवलोकन एवं परिशीलन किया गया, जिससे यह विदित हुआ कि यद्यपि आवेदक द्वारा अपने प्रत्यावेदन/प्रार्थना पत्र के समर्थन में शपथपत्र दिया गया है जिसके अनुसार वर्तमान में प्रश्नगत भूमि पर कोई वाद संस्थित नहीं है परन्तु सुनवाई की नियत तिथि दिनांक 04.10.2024 को ग्राम पंचायत खैरपुर विकासखण्ड व तहसील टाण्डा के ग्राम प्रधान श्री शोभाराम द्वारा उपस्थित होकर अपने प्रार्थनापत्र के साथ प्रश्नगत भूमि, खाता सं० 00146 गाटा संख्या 99/0.2890 हे० फसली वर्ष 1426-1431 की कम्प्यूटरीकृत खतौनी तथा फ० वर्ष 1419 के खसरा की छायाप्रति व वाद संख्या 02/2024 उन्वानी"चन्दन सिंह आदि बनाम बेसिक शिक्षा परिषद" का वाद विचाराधीन होने के संबंध में सिविल जज (जू० डि०), टाण्डा के न्यायालय द्वारा जारी प्रश्नोत्तर की छायाप्रति प्रस्तुत की गयी, जिससे स्पष्ट होता है कि प्रश्नगत भूमि के संबंध में वर्तमान में भी सिविल न्यायालय अम्बेडकरनगर में वाद विचाराधीन है। इसी संबंध में राजस्व विभाग के अधिकारियों/कर्मचारियों से करायी गयी मौके की स्थलीय जांच के उपरान्त उप जिलाधिकारी, टाण्डा द्वारा प्रस्तुत अपनी विस्तृत आख्या में "वर्तमान में उक्त भूमि पर आवेदक के कब्जा दखल में विवाद है। आवेदक का कब्जा दखल नहीं है, मौके पर भूमि खाली पड़ी है। ग्राम प्रधान ग्राम पंचायत खैरपुर द्वारा उक्त भूमि के संबंध में नोटिस की छायाप्रति उपलब्ध करायी गयी जो न्यायालय सिविल जज (सी० डि०), फैजाबाद सं० प्र० 55/2022 'चन्दन सिंह बनाम बेसिक शिक्षा परिषद' से संबंधित है" का उल्लेख किया गया है।

अधिशाषी अभियन्ता, 30 प्र० पावर ट्रान्समिशन कारपोरेशन लिमिटेड, जनपद बस्ती की आख्या के द्वारा यह अवगत कराया गया है कि "गाटा संख्या 99 ग्राम खैरपुर तहसील टाण्डा जनपद अम्बेडकरनगर में 400 के०वी० टाण्डा बस्ती पारिषण लाइन का टॉवर नं० 137 APDD+3 स्थापित है। जिसके भूमि मुआवजा हेतु याची श्री चन्दन सिंह द्वारा विषयोक्त याचिका माननीय उच्च न्यायालय में योजित की गयी थी। राजस्व अभिलेखों में गाटा संख्या 99 पर श्री चन्दन सिंह के नाम दर्ज न होने के कारण भूमि मुआवजा का भुगतान नहीं किया जा सका। तहसील टाण्डा से प्राप्त आख्या के अनुसार उक्त भूमि राजस्व अभिलेखों में श्री चन्दन सिंह के नाम दर्ज होने के आशय का सत्यापन करने के उपरान्त ही 30 प्र० सरकार के शासनादेश संख्या 2023/चौबीस-पी-3-2028 दिनांक 06.09.2018 के अनुसार भूमि मुआवजा के भुगतान





से संबंधित कार्यवाही की जा सकेगी।" जबकि इस संबंध में उप जिलाधिकारी, टाण्डा ने अपनी आख्या में उल्लिखित किया है कि "न्यायालय द्वितीय अपर सिविल जज, फैजाबाद द्वारा मूलवाद संख्या 101/85 'कृष्ण प्रताप सिंह बनाम बेसिक शिक्षा परिषद द्वारा चेयरमैन आदि' निर्णय दिनांक 28.07.1990 में पारित डिक्री का खतौनी पर अंकन किया जाना संभव नहीं है।"

इस प्रकार प्रश्नगत भूमि गाटा संख्या 99 ग्राम खैरपुर परगना व तहसील टाण्डा जनपद अम्बेडकरनगर जिसमें 400 के0वी0 टाण्डा बस्ती पारोषण लाइन का टॉवर नं0 137APDD+3 स्थापित है, प्रश्नगत भूमि राजस्व अभिलेखों में याची श्री चन्दन सिंह के नाम दर्ज नहीं है व आवेदक के कब्जा दखल में विवाद है। आवेदक का कब्जा दखल नहीं है, मौके पर भूमि खाली पड़ी है। वाद संख्या 02/2024 उन्वानी "चन्दन सिंह आदि बनाम बेसिक शिक्षा परिषद" का वाद विचाराधीन होने के संबंध में सिविल जज (जू0डि0), टाण्डा के न्यायालय द्वारा जारी प्रश्नोत्तर के अनुसार प्रश्नगत भूमि के संबंध में सिविल न्यायालय, अम्बेडकरनगर में वाद विचाराधीन है, ऐसी स्थिति में 30प्र0 सरकार के शासनादेश संख्या 2023/चौबीस-पी-3-2028 दिनांक 06.09.2018 के अनुसार याची के पक्ष में भूमि मुआवजा के भुगतान से संबंधित कार्यवाही किया जाना विधिसंगत नहीं है।

अतः माननीय उच्च न्यायालय, बेंच लखनऊ में योजित रिट याचिका संख्या 13205/रिट-सी/2020 "चन्दन सिंह अन्य बनाम 30प्र0 पावर ट्रान्समिशन कारपोरेशन लिमिटेड, जनपद बस्ती व अन्य" में मा0 न्यायालय द्वारा पारित आदेश दिनांक 05.07.2024 के समादर में याची द्वारा प्रस्तुत प्रत्यावेदन/प्रार्थना पत्र दिनांक 12.07.2024, उपरोक्तानुसार एतद्वारा निस्तारित किया जाता है।"

26. The Revisionists have challenged the Order dated 05.11.2024 passed by the District Magistrate, Ambedkar Nagar on the ground that the same was passed without properly appreciating the civil court decrees relied upon by them.
27. However, the Commission notes from the material placed on record by the District Magistrate, Ambedkar Nagar that proceedings relating to the aforesaid decree, including recall/restoration proceedings concerning the ex-parte judgment and decree dated 28.07.1990, are stated to be pending before the competent Civil Court. It has also been brought on record that proceedings instituted by Junior High School, Fatehpur, Tanda and applications filed by the State authorities concerning the said decree are under consideration before the competent Civil Court.
28. The Commission, however, observes that the District Magistrate has examined the material produced before him and recorded findings regarding the status of the land, the revenue records, the possession over the land, and the disputes and proceedings stated to be pending before the competent Civil Court.
29. Therefore, so long as the proceedings arising from Original Suit No. 101 of 1985 (Krishna Pratap Singh vs. Chairman, Basic Shiksha Parishad & Ors.) and the connected recall/restoration proceedings remain unresolved, the Commission does





not find it appropriate to interfere with or quash the Order dated 05.11.2024 passed by the District Magistrate, Ambedkar Nagar.

30. The Commission further notes that Respondent No. 3, UPPTCL, has not disputed either the existence of Tower Location No. 82 on Gata No. 99 or its obligation to pay compensation in accordance with the applicable rules and regulations.
31. The Commission observes from the reply filed by UPPTCL that compensation has not been withheld on account of any dispute regarding liability to pay compensation or amount of compensation. Rather, UPPTCL has categorically stated that compensation could not be disbursed due to the absence of a conclusive determination regarding the person legally entitled to receive such compensation and that the compensation shall be released upon determination of the rightful claimant by the competent authority.
32. In view of the above, the Commission finds that the present dispute does not relate to the liability of UPPTCL to pay compensation or dispute regarding amount of compensation but primarily concerns the entitlement of the person claiming such compensation. Since the entitlement itself is dependent upon issues presently pending before the competent Civil Court, no direction for release of compensation can be issued by the Commission at this stage.
33. The Commission further observes that its jurisdiction under the Electricity Act, 2003 read with the Works of Licensees Rules, 2006 is confined to matters concerning compensation arising from the execution of works by a licensee. In terms of Rule 13(2) of the Works of Licensees Rules, 2006, where any difference or dispute arises as to the amount of compensation determined under the Rules, the matter is to be determined by the Appropriate Commission. Further, Rule 3(3) provides that every order made by the District Magistrate under Rule 3(1), including matters relating to compensation payable by the licensee under Rule 3(2), shall be subject to revision by the Appropriate Commission. However, the present dispute substantially pertains to questions of title, ownership, possession and revenue entries in respect of Gata No. 99, which are matters falling within the domain of the competent Civil Court and revenue authorities. The adjudication of such land and revenue disputes lies beyond the jurisdiction of this Commission. Accordingly, this Commission cannot enter into or determine the claims relating to ownership or title over the subject land and its examination remains confined only to issues arising under the compensation framework contemplated under the Works of Licensees Rules, 2006.





34. The Revisionists has cited certain judgements mentioned at para 22, but the Commission notes that fact of those cases are different from the present petition, hence they are not relevant in the present Revision.
35. Therefore, the contentions raised by the Revisionists are found to be devoid of merit and are, accordingly, rejected. The Commission further finds no ground to interfere with or quash the Order dated 05.11.2024 passed by the District Magistrate, Ambedkar Nagar at this stage.
36. Accordingly, the Revision is dismissed.

(Griesh Kumar Vaish)
Member (Law)

(Sanjay Kumar Singh)
Member

(Arvind Kumar)
Chairman

Place: Lucknow

Dated: 03.09.2026



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