

Court No. - 32

Case :- WRIT - C No. - 17899 of 2022

Petitioner :- Mohd. Akhtar Shamsi

Respondent :- Union Of India And 4 Others

Counsel for Petitioner :- Vinayak Mithal

Counsel for Respondent :- A.S.G.I.,C.S.C.,Pranjal Mehrotra,Raghav Dwivedi

Hon'ble Mrs. Sunita Agarwal,J.

Hon'ble Vikram D. Chauhan,J.

The petitioner herein seeks a writ in the nature of mandamus commanding the Competent Authority/Special Land Acquisition Officer to forthwith declare a fresh award determining the total amount of compensation to be paid to the petitioner after including the compensation for the super-structure raised on the land and alternatively to modify the award declared on 27.05.2021 by reassessment of the total amount of compensation after incorporating the compensation for the super-structure.

Considering this prayer made in the present petition, we may note that Section 3G (5) of the National Highways Act, 1956 deals with the matter of determination of compensation/preparation of award.

Sub-section (3) says that a public notice is to be published in two daily newspapers by the Competent Authority inviting claims from all interested persons in the land to be acquired for the purpose of determination of compensation in accordance with sub-section (1) of Section 3G.

As per sub-section (4) such notice is required to state the particulars of the land.

In the light of the said provisions, according to the learned

counsel for the petitioner, the petitioner had filed his objections before the Competent Authority claiming compensation for the super-structure existing on the land acquired but the claim of the petitioner for compensation of the super-structure had not been adverted to by the Competent Authority.

The crux is that the petitioner seeks to challenge the determination of compensation made by the Competent Authority, for which, appropriate remedy for the petitioner is to approach the Arbitrator by invoking the provisions of sub-section (5) of Section 3G of the National Highways Act, 1956.

Accordingly, the petition is **dismissed** on the ground of alternative remedy.

Sri Pranjali Mehrotra, learned counsel has put in appearance on behalf of the respondents.

Order Date :- 30.6.2022

Nirmal Sinha