

No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPMS No. 519 of 2024 With WPMS No. 520 of 2024 <u>Hon'ble Manoj Kumar Tiwari, J.</u></p> <p>(1) Mr. Tapan Singh, learned counsel for the petitioners.</p> <p>(2) Mr. Naresh Pant, learned counsel for the respondent.</p> <p>(3) Since common questions of fact and law are involved in these petitions, therefore, both the petitions are clubbed together and are being heard & decided together. However, for the sake of brevity and convenience, facts of WPMS No. 519 of 2024 alone are being considered.</p> <p>(4) Petitioners claim to be owner of land adjacent to National Highway No. 72-A in Village Aurangzebpur, Paragna Bhagwanpur, Tehsil Roorkee, District Haridwar. Petitioners apprehend that they would be dispossessed by National Highway Authority of India (<i>for short 'NHAI'</i>) for widening of the National Highway NO. 72-A. Certain documents have been enclosed by petitioners to show that they are <i>Bhumidhar</i>/ owner over the land in question, which NHAI is claiming to be a public land alleged to have been transferred by State Public Works Department to NHAI.</p> <p>(5) Learned counsel for NHAI has drawn attention of this Court to the provision contained in Section 26(3) of Control of National Highways (Land & Traffic) Act, 2002, which provides a remedy to the persons, who are likely to be dispossessed for construction of National Highways, by making</p>

representation to the Competent Authority.

(6) Admittedly, notice under Section 26(2) of the aforesaid Act has been issued to petitioners, however, learned counsel for petitioners submits that the time and place of hearing, which would take place after submission of representation of the petitioners, has not been indicated in the notice, thus, according to him, the notice is defective.

(7) Learned counsel for NHAI, however, submits that this Court can fix time and place of hearing on the representation of the petitioners.

(8) Accordingly, writ petitions are disposed of by permitting petitioners to submit representation(s) in reply to the notice to the Competent Authority within one week from today. With their representation, petitioners shall enclose all relevant documents which support their contention that they are the *Bhumidhar* / owner of the land in question. The representation submitted by the petitioners shall be considered by Project Director, NHAI in his Office at Roorkee on 18.03.2024 at 11:00 am.

(9) It goes without saying that all the petitioners shall be given personal hearing by the Project Director before passing any order. Till decision on the representation(s), petitioners shall not be dispossessed. However, it is made clear that if petitioners fail to make representation(s) within stipulated time then they shall not be entitled to protection of this order.

(Manoj Kumar Tiwari, J.)
29.02.2024.

Aswal

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