

HIGH COURT OF JUDICATURE AT ALLAHABAD

Court No. - 21

Case :- WRIT - C No. - 42212 of 2024

Petitioner :- Kishundev And 22 Others

Respondent :- Union Of India And 3 Others

Counsel for Petitioner :- Pankaj Dubey

Counsel for Respondent :- A.S.G.I.,Paras Nath Rai

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Anish Kumar Gupta,J.

1. The written instructions supplied by Sri P.N. Rai, learned counsel for respondent no. 1 and 4 is taken on record.

2. The following reliefs have been claimed in the instant petition:-

"i. To issue a writ, order or direction in the nature of mandamus commanding the respondents to maintain the status quo in respect of the petitioners' part of land in plot no. 170 area 0.120 Hect. and 172 area 0.082 situated at Revenue Village-Jamunipur Bad Faros, Pargana, Tehsil and District Bahadohi.

ii. To issue a writ, order or direction in the nature of certiorari quashing the impugned award dated 28.11.2023 also for the mandamus commanding the respondents not to interfere over petitioners' part of land in plot no. 170 area 0.120 Hect. and 172 area 0.082 situated at Revenue Village-Jamunipur Bad Faros, Pargana, Tehsil and District Bhadohi."

3. It is not disputed that the subject land was acquired under the provisions of the National Highways Act, 1956 for widening of a National Highway by PWD, Varanasi. The notification was issued by the Central Government as per the provisions of the Act.

4. Sri Pankaj Dubey, learned counsel for the petitioners submits that when any land is acquired for PWD, it should be under the Right to Fair Compensation And Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and notification for the said purpose has to be issued by the State Government.

5. The argument is thoroughly misconceived. It is not disputed before us that the highway of which widening is to be done, is a 'National Highway'. Section 3A of the Act, 1956 provides that

where any land is required for the building, maintenance, management or operation of a national highway or part thereof, the same may be acquired by the Central Government by issuing notification declaring its intent under Section 3A followed by declaration under Section 3D. There is no interdiction that in case the widening or construction of public highway is by PWD, it cannot take recourse to the provisions of the National Highways Act, 1956 and has to apply for acquisition under the Right to Fair Compensation And Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

6. The petition lacks merit and is accordingly, **dismissed**.

Order Date :- 31.1.2025

Kirti

(Anish Kumar Gupta, J.) (Manoj Kumar Gupta, J.)