

**Court No. - 39**

**Case :-** WRIT - C No. - 17591 of 2022

**Petitioner :-** Shyam Singh And Another

**Respondent :-** State Of U.P. And 4 Others

**Counsel for Petitioner :-** Sachin Kumar Sharma

**Counsel for Respondent :-** C.S.C.,Pranjal Mehrotra

**Hon'ble Mrs. Sunita Agarwal,J.**

**Hon'ble Mrs. Jyotsna Sharma,J.**

Present writ petition has been filed with the following reliefs:-

*"(i) issue, a writ, order or direction in the nature of Mandamus commanding/directing the respondents concerned not to make acquisition of the residential land of the petitioners (Residential Houses and Shops are made on this land and the petitioners are living with their families and earning livelihood by running shops) Gata No.1, Area 1.2420 Hectare situated in Village-ilra, Pargana-Baragaon, Tehsil-Puvaya, District Shahjahanpur and not to dispossess the petitioners from their abovementioned Houses and Shops.*

*(ii) issue, a writ, order or direction in the nature of Mandamus commanding/directing the respondent no.3-District Magistrate, Shahjahanpur to decide the representation dated 22.05.2022 of the petitioners by passing a reasoned and speaking order fairly, within stipulated period (Annexure No.4 to the Writ Petition)."*

The contention of the petitioners is that the petitioners are owner of residential plot Gata No.1, Area 1.2420 Hectare situated in Village-ilra, Pargana-Baragaon, Tehsil-Puvaya, District Shahjahanpur wherein several residential houses and shops are standing. The petitioners and their family members are living therein. Residential property is ancestral property of the petitioners. They raised construction in accordance with law with the norms applied by laws. It is then stated in paragraph-8 of the writ petition that residential property of the petitioner has no importance for extension of National Highway Authority No.731 (Paliya-Shahjahanpur-Hardoi-Lucknow). It is also stated that the petitioner came to know about the acquisition only vide notice dated 23.05.2022 whereby it was informed that

they can file documents to receive compensation. Representation was filed before the District Magistrate but no action has been taken and hence this writ petition.

Perusal of the notice at page '27' of the paper book indicates that the acquisition of the plot in question along with other land was made vide Notification dated 07.02.2019 and 26.01.2020 for widening and beautification of two lane-four lane road for the National Highway No.731. The possession of the land was taken. The notice under Section 3 G has also been published on 26.01.2020. The land has been vested in the Central Government and the award was declared on 24.08.2021.

A perusal of the notice dated 23.05.2022 shows that the petitioners were asked to hand over physical possession of the land in favour of the Central Government and to appear in the office of the competent authority on 23.05.2022 to receive compensation along with relevant papers.

The record, thus, indicates that the acquisition of the land in question has been completed with the publication of the award taking possession of the land in the year 2020. The petitioners have not challenge any of the proceedings of acquisition. Notice issued to the petitioners to seek compensation was required to be complied by the petitioners.

The contention in the writ petition is that Gata No.1 belonging to the petitioners has no importance to the existing Highway is totally misconceived, inasmuch as, no malafide has been pleaded by the petitioners and the National Highway Authority is the best judge to decide which land would be suitable for the construction of the Highways. No project can be stopped at the behest of one person who thinks that his land is not important for widening of National Highway.

Having noticed, the above, we do not find any merit in the prayer made in the writ petition.

The writ petition is accordingly, **dismissed**.

However, the petitioners are at liberty to receive compensation from the competent authority by producing their document of right, title and ownership in the land in question. In case they are dissatisfied to the quantum of compensation, they can avail the remedy under Section 3G (5) of the National Highways Act, 1956.

**Order Date :- 2.9.2022**

Asha