

Court No. - 21

Case :- WRIT - C No. - 9029 of 2022

Petitioner :- Yogendra Nath

Respondent :- National Highway And 2 Others

Counsel for Petitioner :- Vijay Kumar Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Donadi Ramesh,J.

1. The instant petition has been filed praying for a direction to the respondents to disburse the compensation amount in respect of plot no. 92 area 2.355 hectare, Village Gudha, Pargana and Tehsil Maudaha, District Hamirpur, which according to the petitioner has been illegally occupied by the respondents for construction of road from Chitrakoot to Agra.

2. Learned Standing Counsel is in receipt of instruction from the State-respondents. According to it, several litigations are pending between the petitioner and other persons in relation to the acquired land. It is stated that there is no agreement between the petitioner and his two brothers in respect of their share and a suit for partition is also pending between the parties. Consequently, compensation amount would be paid only after the said dispute is decided.

3. Having regard to the aforesaid facts, we are not inclined to issue any positive direction. In case, the petitioner is so advised, it will be open to him to move appropriate application for reference of the dispute relating to apportionment between him and his two brothers to competent civil court in terms of Section 3H (4) of the National Highways Act, 1956 or any other relevant statutory provision governing the acquisition in question.

4. The petition stands disposed of accordingly.

(Donadi Ramesh, J.)

(Manoj Kumar Gupta, J.)

Order Date :- 8.11.2023

Noman