

Court No. - 21

Case :- WRIT - C No. - 11968 of 2021

Petitioner :- Sriram And Another

Respondent :- State Of U P And 2 Others

Counsel for Petitioner :- Ashok Kumar Ram,Ram Bilas Prasad,Ram Raj Prajapati

Counsel for Respondent :- C.S.C.

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Donadi Ramesh,J.

Re: Civil Misc. Impleadment Application No. 8 of 2022

1. The applicants seek their impleadment as co-petitioners.
2. The application is misconceived and is rejected. It is left open to the applicants to file their independent petition, if so advised.

Re: Order on Writ Petition

1. Heard learned counsel for the petitioners and Sri Rajiv Gupta, learned Additional Chief Standing Counsel for the State-respondents.
2. The grievance of the petitioners is that the respondents have acquired their land but they have not paid compensation to them so far. The respondents have shown other co-sharers also as persons entitled to compensation along with the petitioners, although according to the petitioners, they alone were entitled to withdraw the entire amount, being in exclusive possession of the portion of the land acquired by the respondents. In this respect, they also claim to have filed application before the respondents on 18.3.2021.

3. Sri Rajiv Gupta, learned Additional Chief Standing Counsel, on basis of instructions, states that an award was made by the competent authority on 10.12.2020. He submits that in case of dispute between co-sharers regarding entitlement to receive compensation amount, it shall be decided by the competent authority as provided under Section 3H (3) or (4) of the National Highways Act, 1956 (hereinafter referred to as the 'Act'), as the case may be.

4. We find sufficient force in the said submission.

5. Accordingly, the petition is disposed of with direction to the competent authority to examine the claim of the petitioners as well as other claimants as per provision of Section 3H (3) of the Act or if he is of the opinion that he is not in position to determine the dispute between them, then refer the same for decision of the principal civil court as contemplated under Section 3H (4) of the Act

6. The petition stands disposed of accordingly.

(Donadi Ramesh, J.)

(Manoj Kumar Gupta, J.)

Order Date :- 3.11.2023

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