

Court No. - 21

Case :- WRIT - C No. - 34509 of 2023

Petitioner :- Rahul Kumar And 47 Others

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Vivek Saran

Counsel for Respondent :- C.S.C.,A.S.G.I.,Abrar Ahmad

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Donadi Ramesh,J.

1. Heard counsel for the petitioner, Sri Rajeev Gupta, learned Additional Chief Standing Counsel for the State respondents and Sri Abrar Ahmad for respondents no.4, 5 & 6.
2. The instant petition has been filed challenging the award dated 8.06.2023 passed by respondent no.3 under the provisions of the National Highways Act, 1956. The challenge is on the ground that the land in question was wrongly valued at agricultural rate, whereas it was residential in character having pucca constructions.
3. Learned counsel appearing on behalf of NHAI submits that the petitioners have alternative remedy of challenging the award by the mechanism provided under Section 3-G (5) of the National Highways Act, 1956.
4. We find considerable force in the submission of learned counsel for the NHAI. Since the petitioners are raising a factual dispute as to nature and character of the acquired land and therefore, we decline to examine the said issue in exercise of writ jurisdiction and relegate the petitioners to avail the alternative remedy.
5. The petition stands disposed of accordingly.

(Donadi Ramesh, J.) (Manoj Kumar Gupta, J.)

Order Date :- 21.11.2023

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