

Court No. - 21

Case :- WRIT - C No. - 37698 of 2023

Petitioner :- Harishchandra And 10 Others

Respondent :- Union Of India And 3 Others

Counsel for Petitioner :- Karan Singh Yadav, Jagdish Narayan Gupta

Counsel for Respondent :- C.S.C., A.S.G.I., Pranjal Mehrotra, Swetashwa Agarwal

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. Heard Shri Jagdish Narayan Gupta, learned counsel for the petitioners, Shri Swetashwa Agarwal, learned counsel appearing for National Highways Authority of India and Shri Rajiv Gupta, learned Additional Chief Standing Counsel for the State-respondents.

2. The instant petition has been filed praying for a writ of mandamus commanding the respondents to determine compensation for Plot No. 92/1, area 0.052 hectares, Village Pichhor, Tehsil & District -Jhansi, in the light of the objections of the petitioners dated 18.06.2019, 03.09.2022 and 17.12.2022.

3. The case of the petitioners is that the N.H.A.I. is intending to take possession of the aforesaid land of the petitioners without any formal acquisition. It is offering Rs. 1.34 crores which is not acceptable to the petitioners. They have raised a claim of Rs. 9 crores.

4. Shri Swetashwa Agarwal, learned counsel appearing for N.H.A.I. states that N.H.A.I. is not in a position to pay compensation at the rate being demanded by the petitioners, therefore, as of now, there is no intention on its part to take possession of the land of the petitioners. He further submits that in case, land of the petitioners is required by N.H.A.I., it will be acquired in accordance with law.

5. Having regard to the aforesaid stand of learned counsel appearing for N.H.A.I., we dispose of the instant petition by providing that the respondent shall not compel the petitioners to part with their land unless the parties arrive at a mutual agreement in respect of compensation payable for the subject land or it is acquired, in accordance with law.

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

Order Date :- 30.11.2023

Mukesh Pal