Court No. - 32

Case :- WRIT - C No. - 36120 of 2023

Petitioner :- Mahendra Prasad Yadav And 46 Others
Respondent :- Union Of India And 2 Others
Counsel for Petitioner :- Devendra Kumar,Babu Lal Ram
Counsel for Respondent :- C.S.C.,A.S.G.I.,Sudarshan Singh

Hon'ble Salil Kumar Rai,J.
Hon'ble Surendra Singh-I,J.

The petitioners, whose land was acquired under the National Highway Act, 1956 have filed the instant petition praying for a mandamus commanding the respondents to pass rehabilitation and re-settlement award and extend monetary benefits to the petitioners as per Sections 31, 38 and 25 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.

Learned counsel for the petitioners submits that the claim of the petitioners is similar to the one raised in Writ C No.2782 of 2023 (Ashok Kumar and 8 others vs. National Highway Authority of India and 3 others), which was disposed of by this Court, by order dated 24.2.2023 in terms of the order passed in Writ C No.21601 of 2022 (Ranvir Singh and 35 others vs. National Highway Authority of India and Competent Authority For Land Acquisition and Others). The operative part of the order passed in Writ C No.2782 of 2023 (Ashok Kumar and 8 others vs. National Highway Authority of India and 3 others), dated 24.2.2023 is as follows :-

"9. Lastly the writ petitions have been disposed of with the following directions:-

"For the above, without entering into the merits of the claim of the petitioner, it is directed that the competent authority under the National Highways Act, 1956 shall prepare a proposal for the rehabilitation and resettlement award for affected families, within the meaning of Section 3(c) of the Act, 2013, in terms of the entitlements provided in the Second Schedule, with the assistance of the officers of the NHAI and submit the same before the Collector for making award in accordance with the provisions of Section 31 of the RECTLARR Act, 2013.

For preparation of the said proposal, the competent authority shall make necessary enquiry as per the provisions of the Sections 34, 35 and 36 of the RECTLARR Act, 2013 as contained in Chapter V of the Act, 2013, i.e before preparation of the rehabilitation and resettlement award, in relation to the acquisition in question.

It goes without saying that the representatives of the National Highways Authority

and the affected tenure holders are entitled to participate in the proceedings for preparation of the award. The claim of the petitioners herein for the entitlements under the Second Schedule at serial no. (1) for provision of housing unit in case of displacement; serial no. (4) choice of annuity and employment and serial no. (10), one time resettlement allowance, shall be specifically considered by the competent authority in making such an award.

The entire exercise shall be completed, as expeditious as possible, preferably, within a period of six months from the date of receipt of copy of this order.

We may make it clear that, at this stage, no direction has been given for providing benefits of

Third Schedule as no such demand has been raised by the petitioners herein.

In any case, while making such an award, independent consideration shall be given to the elements of rehabilitation and resettlement entitlements for the affected families provided in the Second Schedule, without being influenced by any of the observations made hereinabove."

10. The petitioners herein are similarly situated and, therefore, are entitled for the same relief.

11. The present writ petition is, accordingly, disposed of. "

It is submitted that the instant petition be also disposed of in same terms.

Sri Sudarshan Singh, learned counsel for the respondents does not dispute the contention of the counsel for the petitioners and admits that the claim of the petitioners is identical and has no objection in case, the instant petition is also disposed of in same terms.

The aforesaid judgement was also followed by this Court in a Division Bench of this Court in Writ C No.31161 of 2023 which was allowed by order dated 27.9.2023.

Accordingly, the instant petition is **disposed of** in terms of the order quoted above.

Order Date :- 17.10.2023
IB

Digitally signed by :-
ITU BANERJEE
High Court of Judicature at Allahabad