

Court No. - 21

Case :- WRIT - C No. - 36621 of 2023

Petitioner :- Deepak Kumar And 5 Others

Respondent :- Union Of India And 4 Others

Counsel for Petitioner :- Manu Mishra

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

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Donadi Ramesh,J.

1. The instant petition has been filed praying for a writ of certiorari quashing the reports dated 22.08.2023 and 24.08.2023 by Tehsildar, Manjhanpur submitted on the representations of the petitioners. The petitioners have also prayed for a direction to the respondents to pay adequate compensation to them in terms of provisions of Section 3G (7) of the National Highways Act, 1956.

2. Counsel for the petitioners submits that the land of the petitioners was acquired by the respondents under the provisions of the National Highways Act, 1956. The compensation amount determined by them is inadequate. Apart from it, various statutory benefits to which the petitioners are entitled to, have also not been granted in their favour. He submits that the petitioners have already filed their representations before the respondents and the same may be directed to be decided.

3. Learned counsel appearing on behalf of NHAI submits that an award was made on 16.01.2023. A copy of the award has been placed by him on record after supplying a copy thereof to the other side. He submits that in case the petitioners are aggrieved by the award, they have remedy of challenging the same by the mode provided under sub-section (6) of Section 3G.

4. We find considerable force in the submission of learned counsel for NHAI. The petitioners have remedy of challenging the award of the Competent Authority before the Arbitrator as per provisions of sub-sections (5) and (6) of Section 3G of the Act.

5. We, therefore, decline to examine the claim in exercise of writ jurisdiction and permit the petitioners to avail the remedy provided under law.

6. The petition stands disposed of accordingly.

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

Order Date :- 20.11.2023

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