

Court No. - 21

Case :- WRIT - C No. - 37118 of 2023

Petitioner :- Sahodara Devi

Respondent :- Union Of India And 4 Others

Counsel for Petitioner :- Jitendra Singh

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

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Donadi Ramesh,J.

1. The instant petition has been filed praying for a writ of mandamus directing respondent No. 3 to pay compensation amount of Rs.2,96,350/- to the petitioner for having acquired remaining part of his house built over Arazi No. 1195.

2. The case of the petitioner is that part of her house was acquired in the year 2002 and she was paid compensation for the same. In 2020, the respondents acquired remaining half. It appears from the record that private respondent No. 5 had filed objection before the third respondent claiming compensation amount in respect of the said land. Respondent No. 3 has issued a notice dated 22.08.2023 to the parties requiring them to lead evidence in support of their respective claim so as to decide the dispute between them.

3. Under Section 3-H(3) of National Highways Act, 1956, the Competent Authority i.e. respondent No. 3 is vested with power to determine the persons who in its opinion are entitled to receive amount payable to each of them.

4. It is open to the petitioner to lead evidence before respondent No. 3 in pursuance of the impugned notice, if no decision has yet been taken by respondent no. 3 in this regard.

5. The petition is disposed of with aforesaid liberty reserved in favour of the petitioner.

6. It is further provided that respondent No. 3 after examining the respective claim will take decision in the matter expeditiously as far as possible within eight weeks from the date of communication of the instant order.

Order Date :- 30.10.2023

Mukesh Kr.

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