

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 7837 of 2023

Applicant :- Subhash Chand And 32 Others

Opposite Party :- Shri Sultan Asharf Siddiqui And 2 Others

Counsel for Applicant :- Nanda Kumar Shukla

Hon'ble Rohit Ranjan Agarwal,J.

The writ Court on 19.05.2023 while disposing of Writ-C No. 2936 of 2023 passed the following order:-

"Heard Sri Randhir Singh Duhan, Sri Abhijeet Singh learned Advocate for the petitioners, Sri Paras Nath, learned counsel for the respondents no. 1 and 2 and Sri Pranjal Mehrotra, learned counsel for the N.H.A.I.

The question in the instant writ petition is with regard to the applicability of second and third schedule of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in case of acquisition of land under the National Highways Act, 1956. The issues raised herein has been adjudicated vide judgement and order dated 21.2.2023 passed in Writ-C No.21601 of 2022 connected with other writ petitions. The directions issued therein are relevant to be noted herein under:-

"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.

With the above observations and directions, the writ petitions in this bunch are disposed of."

The instant writ petition is also disposed off in the same terms and directions as contained in the aforesaid judgement. The decision in accordance with law shall be taken within a period of three months from the date of receipt of copy of this order."

Today, during course of argument, counsel appearing for the applicant fairly submitted that pursuant to order of writ Court, award has been made by competent authority on 16.10.2023.

As the award has been made, no interference under the contempt jurisdiction is made out.

The contempt application is misconceived and stands dismissed.

However, leaving it open to the applicant to approach the forum so provided for challenging the award made by competent authority.

Order Date :- 28.10.2023

V.S.Singh