

**Court No. - 21**

**Case :-** WRIT - C No. - 40114 of 2023

**Petitioner :-** Charni @ Charan Singh

**Respondent :-** Union And 4 Others

**Counsel for Petitioner :-** Kamlesh Kumar Mishra

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

**Hon'ble Manoj Kumar Gupta,Acting Chief Justice**

**Hon'ble Kshitij Shailendra,J.**

1. Heard learned counsel for the petitioner, learned standing counsel appearing for the State-respondents and Shri Alok Kumar, learned counsel appearing on behalf of NHAI.

2. The prayer made in the instant petition is for a direction to the respondents not to dispossess the petitioner from Khasra No. 302 area 0.2020 hectare of Revenue Village Badhpura, Pargana & Tehsil Dadri, District Gautam Buddh Nagar without following due process of law.

3. Case of the petitioner is that he is owner of 0.5426 hectare in the aforesaid plots after he had sold the remaining areas to other persons. A notification under Section 3A of National Highway Act, 1956 was issued on 11.07.2019, thereafter, no notification under Section 3D has been issued till date but the respondents are threatening to dispossess the petitioner.

4. On 22.11.2023, the following order was passed:

*"1. Sri Sunil Sharma, Advocate has entered appearance on behalf of respondent nos.1, 4 and 5.*

*2. Contention of the learned counsel for the petitioner is that the respondents have not issued any notification under Section 3D of National Highways Act, 1956 so far although notification under Section 3A was issued on 11.07.2019. However, they are intending to take possession of the land of the petitioner.*

*3. Learned counsel for the NHAI and learned State counsel seek time to obtain instructions.*

*4. Put up on 13.12.2023 as fresh."*

5. On matter being taken up today, learned counsel appearing on behalf of NHAI, on instructions, admits that no notification under Section 3D of the National Highways Act has been issued till date. He also does not dispute that the legal position that notification under Section 3D was to be issued within one year from the date of publication of notification under Section 3A excluding period of stay of any action or proceedings by order of a court. Concededly, there was no stay order by any court. He fairly admits that the time frame prescribed for issuing declaration under Section 3D has expired and therefore, the proceedings have lapsed. He submits that in case in future the respondents intend to acquire the land, they will initiate proceedings in accordance with law.

6. Having regard to the aforesaid statement of learned counsel appearing on behalf of NHAI, we dispose of the instant petition by providing that the petitioner will not be dispossessed except in accordance with law.

**Order Date :- 13.12.2023**

Mukesh Kr.

(Kshitij Shailendra,J.)      (Manoj Kumar Gupta,A.C.J.)