Court No. - 21

Case :- WRIT - C No. - 39988 of 2023

Petitioner :- Sanjay Kumar Yadav
Respondent :- National Highway Authority Of India And 2 Others
Counsel for Petitioner :- Manoj Kumar Mishra,Prabhu Narain Tiwari
Counsel for Respondent :- C.S.C.,Pawan Kumar Mishra

Hon'ble Manoj Kumar Gupta,Acting Chief Justice
Hon'ble Donadi Ramesh,J.

1. The petitioner, whose land was acquired by NHAI have filed the instant petition praying for a mandamus commanding the respondents to pass rehabilitation and re-settlement award and extend its monetary benefits to the petitioner as per Sections 31, 38 and 105 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.

2. Learned counsel for the petitioner submits that the claim of the petitioner 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. "

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

4. Shri Raghav Dwivedi, learned counsel who has instruction to appear on behalf of respondent No. 1 and Shri Rajiv Gupta, learned Additional Chief Standing Counsel appearing for respondent No. 2 & 3 do not dispute that the claim of the petitioners is identical and they have no objection in case, the instant petition is also disposed of in same terms.

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

Order Date :- 22.11.2023
Mukesh Kr.

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

Digitally signed by :-
MUKESH KUMAR
High Court of Judicature at Allahabad