

Court No. - 21

Case :- WRIT - C No. - 40962 of 2023

Petitioner :- Rajendra Prasad Mishra

Respondent :- Union Of India And 2 Others

Counsel for Petitioner :- Om Narayan Dwivedi, Tryambak Nath Mishra

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

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. The instant writ petition has been preferred for the following reliefs:-

"(I) Issue, a writ order or direction in the nature of mandamus directing the respondents to construct the Road/National Highway 731-B as per Detailed Project Report and identify the lands as per marks fixed by National Highway on spot and the distances of land marks from the D.P.R. by constituting a team headed by first class Magistrate and Executive Officer"

2. Learned counsel for the petitioner has not disputed that the land of the petitioner bearing Arazi No.531 measuring area 0.5390 hectare was acquired by National Highways Authority under the provisions of the National Highways Act, 1956. The petitioner is now alleging that the respondents are constructing road which is in variance with the detailed project report.

3. The petitioner has no cause of action to complain that the road is being constructed not in accordance with D.P.R. The manner in which road is to be constructed is within executive domain and this Court is also not equipped to examine such issue. We thus find no merits in the instant petition.

4. The instant petition stands **dismissed** accordingly.

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

Order Date :- 8.12.2023

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