

**Court No. - 21**

**Case :-** WRIT - C No. - 41793 of 2023

**Petitioner :-** Virendra Narayan Tiwari And 3 Others

**Respondent :-** Union Of India And 5 Others

**Counsel for Petitioner :-** Vinay Kumar

**Counsel for Respondent :-** A.S.G.I.,C.S.C.,Sanjay Kumar Om

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

**Hon'ble Donadi Ramesh,J.**

1. The instant petition has been filed praying for a direction to the respondents to pay compensation to the petitioner in respect of Khasra No. 278/317, area 0.1090 hectare, which has been taken over by the respondents for widening of a National Highway in the year 2015.

2. Sri Sanjay Kumar Om, learned counsel appearing on behalf of respondent nos. 1 and 2, has raised objection on the ground that the claim is highly belated and is barred by laches.

3. Counsel for the petitioner places reliance on the judgements of the Supreme Court in **Vidya Devi vs. State of Himachal Pradesh & Ors. (2020) 1 SCC 799; Sukh Dutt Ratra & Anr vs. State of Himachal Pradesh & Ors. (2022) 7 SCC 508** and judgement dated 26.4.2022 in **Civil Appeal No. 3189 of 2022 Kalyani (Dead) through LRs & others vs. The Sulthan Bathery Municipality and others.**

4. In the aforesaid judgements, the Supreme Court has held that where the land of a private person has been appropriated by the State without any formal acquisition and payment of compensation, the plea of laches and waiver is not sustainable. In most of the above cases, the claim for payment of compensation has been allowed after several years.

5. In view of the aforesaid judgements, the objection relating to delay is hereby overruled.

6. Sri Rajeev Gupta, learned Additional Chief Standing Counsel appearing for the State respondents, submits that the claim of the petitioner has to be considered by the District Level Committee in terms of Government Order dated 12.05.2016. He also informs the Court that in the said Committee, an official of the acquiring body i.e. NHAI would also be a member.

7. Accordingly, the claim of the petitioner is referred to the said Committee for being decided in accordance with law. The petitioner shall file a representation alongwith true attested copy of the instant order within two weeks from today before respondent no. 5, who is Chairperson of the District Level Committee constituted under the Government Order dated 12.05.2016. He shall place the representation before the Committee for being decided, after due notice and opportunity of hearing to all concerned, within twelve weeks from the date the same is received by him.

8. The petition stands disposed of accordingly.

**(Donadi Ramesh, J.)**

**(Manoj Kumar Gupta, ACJ.)**

**Order Date :- 5.12.2023**

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