

Court No. - 21

Case :- WRIT - C No. - 42171 of 2023

Petitioner :- Krishna Deo Rai And Another

Respondent :- Union Of India And 3 Others

Counsel for Petitioner :- Vishal Agarwal, Bharti Agarwal

Counsel for Respondent :- A.S.G.I., Rajesh Kumar Jaiswal

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Kshitij Shailendra, J.

1. The prayer made in the instant petition is for a direction to the respondents to decide the objections of the petitioners in accordance with law; to forthwith make payment of compensation to the petitioners at the market value prevailing at the relevant time and not to forcibly dispossess the petitioners.

2. It is not disputed that the land of the petitioners was acquired under the provisions of National Highway Act, 1956. The notification under section 3-D is dated 21.09.2023. Learned counsel for the petitioners admits that thereafter the award has duly been made, but its copy has not been annexed. His submission is that the respondents while determining the compensation have not applied correct circle rate.

3. In our opinion, the said objection has to be taken while challenging the award in the manner provided under the Act i.e. by seeking reference of the dispute to the Arbitrator in terms of section 3 G (5).

4. Consequently, we decline to examine the said objection.

5. It is open for the petitioners to avail the said remedy, if so advised.

6. The writ petition is disposed of.

Order Date :- 14.12.2023

Sazia

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