

Court No. - 2

Case :- WRIT - C No. - 26230 of 2021

Petitioner :- Smt.Jayraji

Respondent :- U.O.I.Thru.Secy.Min.Of Road Transport And Highways N.Delhi Andor

Counsel for Petitioner :- Hanumant Lal Yadav

Counsel for Respondent :- C.S.C.,A.S.G.,Sarvesh Kumar Dubey

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for petitioner, learned Standing Counsel for the State and Shri Savresh Kumar Dubey, counsel for National Highway Authority of India.
2. The instant petition has been filed praying for a writ of mandamus commanding the respondents to pay compensation to the petitioner for having taken over possession of land in excess of what was acquired while constructing a four lane bypass road on National Highway-56.
3. The case of the petitioner is that the respondents issued a notification under the provisions of National Highways Act, 1956 for acquisition of certain land for constructing a four lane bypass road on National Highway-56. The petitioner was paid compensation for an area measuring 0.0543 hectare of Gata No. 316. In the year 2017, the respondents, while constructing the road had taken possession of some excess land without any formal acquisition and also without paying any compensation. The petitioner places reliance on certain spot inspection report dated 7.12.2019 in support of her case.
4. By order dated 11.11.2021, the respondents were granted time to obtain instructions. Shri Sarvesh Kumar Dubey, learned counsel appearing on behalf of the said respondents seeks further time to complete his instructions.
5. Under Government order dated 12.5.2016, there is a District Level Committee for addressing such issues. In the said Committee, one of the members is an official of the acquiring body and it is headed by A.D.M. (Finance & Revenue).
6. We are of the opinion that no useful purpose will be served in keeping the writ petition pending as it could be disposed of by

directing the said Committee to decide whether any excess land has been taken over while constructing four lane bypass road on National Highway-56, as is being contended by the petitioner. In case it comes to the conclusion that possession of excess land was taken by the respondents, it shall determine compensation and pay the same to the petitioner.

7. The aforesaid exercise shall be carried out within twelve weeks from the date of communication of the instant order along with fresh representation by the petitioner to respondent no. 3, who in turn will transmit the same to the Chairperson of the Committee for deciding it in accordance with law.

(Neeraj Tiwari, J.) (Manoj Kumar Gupta, J.)

Order Date :- 27.10.2023

Virendra