

Court No. - 3

Case :- WRIT - C No. - 9742 of 2023

Petitioner :- Sandeep Kumar Srivastava

Respondent :- Union Of India Thru. Secy. Ministry Of Road Transport And Highways , New Delhi And Others

Counsel for Petitioner :- Rudra Mani Shukla, Girish Chandra Sinha

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

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

1. Heard Sri Girish Chandra Sinha, learned counsel for petitioner, Sri Ambrish Rai, learned counsel for Union of India, learned Standing Counsel for the State and Sri Sarvesh Kumar Dubey, learned counsel for NHAI.

2. Petitioner has approached this Court challenging the notifications issued under Sections 3(1)C and 3(1)D of the National Highways Act.

3. The sole submission of learned counsel for petitioner is that petitioner is having land in Gata nos. 774 and 775 situated at Village Kherauna, District Amethi and in the notifications also, name of petitioner is given, but part of land is also noted along with agricultural land as chak marg/road or as navin parti. From the said description it appears that except for agriculture, rest of the land belongs to the government. Learned counsel submits that the entire number belongs to an individual and no part of the same belongs to the government. Hence, petitioner is apprehensive that he will not be granted compensation for the entire land.

4. Learned Standing Counsel, learned counsel for Union of India and learned counsel for NHAI raise a preliminary objection that the issue raised in the present writ petition can be raised by petitioner before the Special Land Acquisition Officer concerned, which can be decided by the Special Land Acquisition Officer concerned at the time when compensation for the land is decided.

5. The said statement is taken on record, leaving the said opportunity open to the petitioner to approach the Special Land Acquisition Officer concerned with regard to his claim, who shall consider and decide the claim of petitioner in accordance

with law on merits without being influenced by the said notifications.

6. With the aforesaid direction, present writ petition stands ***disposed of***.

[Manish Kumar,J.] [Vivek Chaudhary,J.]

Order Date :- 7.11.2023

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