



2025:UHC:8555-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL
HON'BLE THE CHIEF JUSTICE MR. G. NARENDAR
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY
23RD SEPTEMBER, 2025
WRIT PETITION (M/S) NO. 1337 OF 2025

Durga Prasad Nautiyal Petitioner.

Versus

Union of India & others Respondents.

Counsel for the Petitioner	:	Mr. M.K. Chand, learned counsel.
Counsel for the State	:	Mr. S.S. Chaudhary, learned Standing Counsel.
Counsel for the Union of India	:	Mr. Manoj Kumar, learned Standing Counsel.

JUDGMENT : (per Mr. G. Narendar, C.J.)

Learned counsel for the aggrieved party submits that he wants the compensation to be paid by the State Government and not the THDC.

2. In that view, THDC stands absolved.

3. In our considered opinion, the instant writ petition is highly misconceived. The issue regarding the compensation/ rehabilitation has been dealt with by this Court in the case of ***N.D. Jayal & another vs. Union of India, Writ Petition (M/B) No.1287 of 2003***, which has received a seal of approval at the hands of the Hon'ble Apex Court. The instant petition by the so-called aggrieved person does not disclose as to what his grievance is. The grievance appears to be with regard to the "hand" / authority / agency that ought to disburse the benefits/



compensation under the scheme. It is not for the claimant/ aggrieved person/ affected party to dictate as to which “hand” / authority / agency, is to handover the compensation or benefits of any rehabilitation scheme. It is settled law that all amounts of compensation/ all policies regarding any rehabilitation will have to be sourced by the beneficiary, but strangely, there is an opposition for the beneficiary to pay the amounts regarding the compensation determined or pay the expenses for implementing any scheme. It is the beneficiary who has to dig into his pocket to satisfy these affected/ aggrieved/ claimants. Despite this fact the claim that the “beneficiary” should not handle the same, is to state the least, astounding. It is not that the compensation or the implementations of the schemes are at the choice of the beneficiary. The Land Acquisition Act determines the method of computing the compensation, the policy with regard to any incentive by way of rehabilitation scheme is by the acquiring body and the beneficiary is required only to implement the same.

4. This petition appears to be a cloak and dagger exercise and appears to be at the instance of vested interests who desire the *status quo* to continue in order to reap the benefits which, otherwise, they would not be entitled to.



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5. The present petition, nowhere, advances the cause of the person really affected or aggrieved by the acquisition and transfer of the land for the project.

6. The instant petition is dismissed with costs of Rs.1.00 Lakh.

7. After the imposition of costs, learned counsel for the petitioner pleads for waiver of the costs on the ground that the petitioner is not in a financial condition to pay the same.

8. Though, we are not inclined to take the statement that the instant petition is filed bonafide, yet, we defer the execution of the order imposing costs, so that it may be a warning bell to anyone who tries to mislead this Court and take undue advantage of the situation. Imposition of costs is suspended.

9. In the event, the petitioner again tries to file such frivolous petition, then the Registry shall initiate steps to recover this costs also.

G. NARENDAR, C.J.

SUBHASH UPADHYAY, J.

Dated: 23rd September, 2025

NISHANT