



2025:AHC-LKO:84567-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 11884 of 2025

Aamir Khan And 3 Others

.....Petitioner(s)

Versus

Union Of India Thru. Secy. Ministry Of Road
Transport And Highways New Delhi And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Anil Kumar Mishra, Arun Chand Pandey, Ram Bahadur Maurya
Counsel for Respondent(s)	: A.S.G.I., C.S.C., Sarvesh Kumar Dubey

Court No. - 3

**HON'BLE SHEKHAR B. SARAF, J.
HON'BLE MANJIVE SHUKLA, J.**

1. Heard learned counsels appearing on behalf of the parties.
2. This is a writ petition under Article 226 of the Constitution of India wherein the writ petitioner has made following main prayer(s):-

"(i) To issue a writ of Mandamus commanding the Opposite Parties to immediately make payment of compensation to the petitioners in pursuance of the award dated 02.05.2015 along with interest, as contained in Annexure No. 1 to this writ petition, forthwith in the interest of justice."
3. The factual matrix appears that by an award dated May 2, 2015, the petitioner was required to be paid compensation at the rate of Rs.80 lakhs per hectare. However, against this award, the National Highway Authority of India (hereinafter referred to as NHAI) has filed an appeal, which is now pending before the Additional Commissioner, Lucknow. It is further to be noted that by a letter dated July 7, 2021 passed by the respondent no.4 being the competent authority/Sub Divisional Magistrate, Tehsil Musafirkhana, District Amethi, the award dated May 2, 2015 was modified by fixing the rate of the land contrary to the award.
4. Learned counsel for the petitioner submits that once an award is passed, the Sub Divisional Magistrate has no authority to amend the same. It is

only the appellate authority, who can do so. He further submits that respondent no. 4 in administrative side cannot amend the award already passed by the competent authority.

5. The case of the petitioner is that the authorities wanted to make payment to the petitioner at a lower rate based on a particular circle rate of the land.

6. Learned counsel for the respondents submits that with regard to several villages, in appeal, the award that had been made by the competent authority, is under challenge. Furthermore the person, who passed the said award, against him first information report has been lodged and charge sheet has been filed. Learned counsel submits that because of this reason, the NHAI is not willing to make payment at the rate that was quantified in the award dated May 2, 2015.

7. Learned counsel for the NHAI has further submitted that in some of the matters, the appeal has been decided and in those decided appeals, the award has been reversed and lower rate has been determined. He further submits that proceedings have been initiated to recover the money from such land owners.

8. The above situation appears to be a catch twenty two situation wherein the petitioner is not being paid the amount as determined by the award dated May 2, 2015, but is being asked to accept the lower amount on the belief of the NHAI that they may succeed in the appeal. It is further to be noted that in the appeal no stay has been granted.

9. In view of the same, we are of the view that legally the authorities are required to disburse the amount of compensation as determined by the award dated May 2, 2015. However, we are also tuned to the fact that loss to the exchequer should not take place.

10. In light of the same, we direct the authorities to pay the compensation to the petitioner as per award upon furnishing an indemnity bond by the petitioner, wherein the petitioner shall state that he will refund the excess payment, if any, after the final decision of the lis.

11. At this stage, learned counsel for the respondents has submitted that the proceedings before the Additional Commissioner, Lucknow may be expedited.

12. In light of the above, we direct the Additional Commissioner, Lucknow to decide the appeal within a period of three months from date.

13. The presence of the Sub Divisional Magistrate, Tehsil Musafirkhana, District Amethi is hereby dispensed with.

14. With the above directions, the writ petition is **disposed of**.

December 16, 2025

Lokesh Kumar

(Manjive Shukla,J.) (Shekhar B. Saraf,J.)