HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

10 January, 2026

(1) Writ Petition (M/S) No.168 of 2026

Jagmohan Singh Rawat ... Petitioner

Versus

State of Uttarakhand & Others ...Respondents

(2) Writ Petition (M/S) No.169 of 2026

Janita Devi ... Petitioner

Versus

State of Uttarakhand & Others ...Respondents

(3) Writ Petition (M/S) No.170 of 2026

Kaushal Kishore Singh ... Petitioner

Versus

State of Uttarakhand & Others ...Respondents

(4) Writ Petition (M/S) No.171 of 2026

Rajendra Singh Rawat ... Petitioner

Versus

State of Uttarakhand & Others ...Respondents

(5) Writ Petition (M/S) No.172 of 2026

Anita Rawat ... Petitioner

Versus

State of Uttarakhand & Others ...Respondents

(6) Writ Petition (M/S) No.173 of 2026

Naveen Chandra Bisht ... Petitioner

Versus

State of Uttarakhand & Others ...Respondents

(7) Writ Petition (M/S) No.174 of 2026

Hem Chandra ... Petitioner

Versus

State of Uttarakhand & Others ...Respondents

(8) Writ Petition (M/S) No.175 of 2026

Ishika Dhyani Bhardwaj ... Petitioner

Versus

State of Uttarakhand & Others ...Respondents

(9) Writ Petition (M/S) No.176 of 2026

Lata Rawat ... Petitioner

Versus

State of Uttarakhand & Others ...Respondents

(10) Writ Petition (M/S) No.177 of 2026

Rehana Begam ... Petitioner

Versus

State of Uttarakhand & Others ...Respondents

(11) Writ Petition (M/S) No.178 of 2026

Pushpa Devi ... Petitioner

Versus

State of Uttarakhand & Others ...Respondents

Presence:-

Mr. C.K. Sharma and Mr. Nitin Tewari, learned counsel for the petitioners

Mr. Suyash Pant, learned Standing Counsel for the State/respondent nos.1, 3 and 5

Mr. Raunak Pant, learned counsel holding brief of Mr. Naresh Pant, learned counsel for NHAI-respondent no.4

Hon'ble Shri Justice Subhash Upadhyay, J. (Oral)

Since the issue involved in these 11 writ petitions is one and same, therefore, for convenience, all these writ petitions are being considered and disposed of by this common judgment and order.

2. Learned counsel for the petitioners submits that a proposal for widening of NH-309 at Tanda Chauraha-Chilkiya has been undertaken, pursuant to which, a Notification dated 04.11.2025 has been issued

by the Authorities. He further submits that the petitioners, being aggrieved by the said action of the authorities, made a collective representation to the authorities concerned, asserting that the petitioners are entitled for relaxation from the proposed width, as per Uttar Pradesh Road Side Land Control Act, 1945 and Rule 7 of Rules, 1964 framed thereunder.

3. Learned Government Counsel as well as the counsel appearing for NHAI submits that the Competent Authority to consider and decide the objections/representation, in this regard, is Competent Authority Land Acquisition, as defined under Section 3C(2) of The National Highways Act, 1956, which reads as under:-

> *"3C. Hearing of objections.-*
> *(1)...*
> *(2). Every objection under sub-section (1) shall be made to the competent authority in writing and shall set out the grounds thereof and the competent authority shall give the objector an opportunity of being heard, either in person or by a legal practitioner, and may, after hearing all such objections and after making such further enquiry, if any, as the competent authority thinks necessary, by order, either allow or disallow the objections."*

4. Learned counsel for the petitioner submits that

the petitioners may be granted liberty to file fresh objection/representations, as provided under Section 3C(2) of the Act to the Competent Authority Land Acquisition, Nainital and the said authority may be directed to decide the objection/representation in a time bound manner.

5. Learned Government Counsel as well as the counsel appearing for NHAI submits that they have no objection to the said prayer made by the learned counsel for the petitioners.

6. Said submission is placed on record.

7. Accordingly, the petitioners are given liberty to file objection/representation to the Competent Authority Land Acquisition, Nainital within a period of one week from today. If petitioners make representation within one week, the Competent Authority Land Acquisition, Nainital shall decide the same in accordance with law, within one month thereafter. Till then, no coercive steps shall be taken against the petitioners.

8. Subject to the above, the writ petitions stand disposed of.

(Subhash Upadhyay, J.)
10.01.2026

RAJINI GUSAIN
Digitally signed by RAJINI GUSAIN
DN: c=IN, o=HIGH COURT OF UTTARAKHAND, ou=HIGH COURT OF UTTARAKHAND, 2.5.4.20=97cfa6e4cbd49c07b876db48448ac3701a9ae475a2547e4b7f1d9b1f17d01342, postalCode=263001, st=UTTARAKHAND, serialNumber=8D039BC77BD1A222B4DF4FC80D4557562F958EBA013F530616A158A0A8788DB, cn=RAJINI GUSAIN
Date: 2026.01.10 18:42:14 +05'30'

Rajni