



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPMS/698/2018</u> Virender Kumar Jain --Petitioner Versus Union of India & Others --Respondent <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. Pankaj Miglani, Advocate, for the petitioner. Mr. Suyash Pant, Standing Counsel, for the State. Mr. D.C.S. Rawat, Central Govt. Standing Counsel for the Union of India, through VC. (2) According to petitioner, he is bhumidhar of a piece of land, over which road has been constructed by National Highways Authority of India, without acquiring the land. By means of this writ petition, petitioner has sought the following reliefs: "1. To summon entire records of the case, 2. To issue a Writ, Order or Direction in the nature of Mandamus directing respondent nos. 1 & 2 to either restore the original area of Khasra No. 213 i.e. 0.003 hectare and handover the same to the petitioner or in the alternative re-acquire the same and pay the compensation to the petitioner as calculated under Section 24 (2) of Act of 2013 and 3. To issue a Writ, Order or Direction in the nature of Mandamus directing respondent nos. 1 to 3 to grant such compensation as determined by this Hon'ble Court, to the petitioner for the harassment and mental agony caused to him by



			<i>their illegal action since 2013 along with 18% of interest thereon to be calculated since 2013 till the date of its actual payment"</i> (3) Learned State Counsel has drawn attention of this Court to para 8 of counter affidavit, filed by respondent no. 3 (Smt. Sangeeta Kannojiya, Special Land Acquisition Officer, Haridwar), which is reproduced below: <i>"That the contents of para no. 7 of the writ petition are not admitted, hence denied. However, it is stated that the land Khasra No. 213 acquired rakba/area i.e. 30 sq.mtr. situated at Village Rehmatpur Ahatmal already document has been prepared and the answering respondent is always ready to pay the compensation, but the concerned land owner till date has not completed the necessary formalities. It is also relevant to point out that till today the petitioner has not applied for the compensation In this regard the answering respondent has also sent a letter on 30.8.2016 to the petitioner to submit his relevant documents, so that compensation can be paid to the petitioner, which is already annexed as Annexure No.3 in the present writ petition."</i> (4) By referring to para 8 of the counter affidavit, State Counsel submits that amount payable as compensation has been determined by the competent authority, however petitioner is not coming forward to receive the amount. He submits that if petitioner is dissatisfied by the amount determined as compensation, then he can approach the Arbitrator by filing application under Section 3G(5) of National Highways Act, 1956. (5) This Court finds substance in the submission made by learned State Counsel. Writ petition is, accordingly, disposed of with liberty to petitioner to approach the Competent Authority, Land Acquisition for receiving the amount determined as
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			compensation. Petitioner shall also be at liberty to question the determination made by the competent authority by filing appropriate application before Arbitrator under Section 3G(5) of National Highways Act. (Manoj Kumar Tiwari, J.) 5.8.2026 Pr PRABODH KUMAR
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