

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/270/2018</u> Surendra Singh ...Petitioner Versus Union Of India Through Ministry Of Road Transport And Highway --Respondent <u>Hon'ble Manoj Kumar Tiwari, J</u> 1. None present for the petitioner. 2. Mr. S.K. Nailwal, learned Standing Counsel for the State of Uttarakhand. 3. Mr. Naresh Pant, learned counsel for the respondent-NHAI is connected virtually. 4. By means of this writ petition, filed in 2018, petitioner has sought the following reliefs:- (i) issue a order or direction for setting aside the impugned order dated 21.08.2015 and notice dated 02.01.2016 so far as it relates to the land and buildings of the petitioner. (ii) issue a writ, order or direction in the nature of mandamus directing the respondents to follow the provisions of The Right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, for acquisition of land for the purpose of National Highway no. 125, in district- U.S. Nagar. (iii) issue a writ, order or direction in the nature of mandamus directing the respondents to give the compensation along with interest as per the provisions of The Right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. 5. Learned State Counsel has drawn attention of this Court to para 7 of the counter affidavit, filed by Mr. N.S. Nabiyal, Special Land Acquisition Officer/Competent Authority, Land Acquisition, Udham Singh Nagar, which is reproduced below:-

			“7. That the contents of paras 6 and 7 of the writ petition, as stated are not admitted, hence denied. It is submitted that the award was passed and compensation is determined after hearing the objection as per law under Section 3-C. It is submitted that after determining the compensation, a notice was issued to the petitioner under Section-3E and 3H and thereafter, the petitioner submitted an application under National Highway Act 1956 for the compensation and vide NEFT/RTGS dated 30.03.2016 the amount has been deposited in the account of petitioner being account no. 915010004101552 of Axis bank, Khatima and thereafter, the compensation as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement act, 2013 has been deposited in the account of the petitioner on 15.2.2018, as such, all the amount of compensation has been received by the petitioner.” 6. Based on the averments made in the counter affidavit, learned State Counsel submits that the amount payable as compensation was determined by the Competent Authority and the compensation was released to the petitioner. He submits that petitioner had not challenged the determination made by the Competent Authority before any appropriate forum. 7. No rejoinder affidavit is filed by the petitioner, therefore, this Court has no option but to accept the averments made in the counter affidavit is true. 8. After payment of compensation and its acceptance of the petitioner(s), without any demur, the relief, as claimed, do not survive. 9. Accordingly, the writ petition fails and is dismissed. (Manoj Kumar Tiwari, J) 20.07.2026 Aswal NITIRAJ SINGH ASWAL
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