



2026:UHC:1217-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL
HON'BLE THE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY
24TH FEBRUARY, 2026
SPECIAL APPEAL NO. 308 OF 2024

Jagdamba Prasad Appellant.

Versus

Competent Authority Land Acquisition CALA & others
...Respondents.

Counsel for the Appellant	:	Mr. Mukesh Rawat, learned counsel.
Counsel for the State	:	Mr. J.C. Pande, learned Standing Counsel.
Counsel for the Union of India	:	Mr. D.C.S. Rawat, learned Standing Counsel.
Counsel for Respondent No.6	:	Mr. Raunak Pant, learned counsel holding brief of Mr. Naresh Pant, learned counsel.

JUDGMENT :(per Mr. Manoj Kumar Gupta, C.J.)

1. The present intra-court appeal is directed against the order of learned Single Judge dated 06.09.2024, whereby Writ Petition (M/S) No.1726 of 2022, filed by the petitioner, claiming interest on the amount awarded as compensation under the provisions of the National Highways Act, 1956, has been dismissed holding that the only evidence available on record, regarding possession is a notice issued to the Sub-Divisional Magistrate in the last week of August, 2024 for taking police help to take possession of the acquired land. Even it is not clear whether in pursuance of the said notice, possession was taken or not.



2. Learned counsel for the appellant has placed reliance on Section 80 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short hereinafter referred to as 'the Act'), in submitting that the appellant was entitled to interest from the date notification under Section 3(D) of the National Highways Act, 1956 was issued.

3. The notification under Section 3(D) was issued on 11.08.2017 by the Ministry of Road Transport and Highways. The effect of issuance of notification under Section 3(D) of the National Highways Act, 1956 is that the land vested in the Central Government, and thereafter, the Central Government, after determining the compensation and depositing the same as per provisions of sub-section (1) of Section 3(H) gets invested with the power to take possession of the property. In case, any person refuses or fails to comply with the directions issued by the Competent Authority to deliver possession, the Competent Authority can apply to the Collector of the District to enforce surrender of the land.

4. The specific finding recorded by the learned Single Judge in the impugned order is that the Competent Authority wrote to the District Collector for police help only



on 22.08.2024. In the entire writ petition, there is no pleading as regards the actual date on which the possession was taken from the appellant.

5. Section 80 of the Act provides as under:-

“80. Payment of interest.—When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of nine per cent per annum from the time of so taking possession until it shall have been so paid or deposited:

Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest at the rate of fifteen per cent per annum shall be payable from the date of expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry.”

6. Thus, a person who is deprived of his land under the Act becomes entitled to interest from the date possession is taken until it is paid or deposited.

7. Concededly, the amount was deposited prior to 22.08.2024, the date, on which the Competent Authority requested the District Collector to ensure delivery of possession.

8. In such view of the matter, we find no merit in the instant special appeal. It is, accordingly, dismissed.



2026:UHC:1217-DB

9. Pending application, if any, also stands disposed of.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dated: 24th February, 2026

NISHANT

NISHANT
KUMAR