

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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WRIT PETITION No.35776 OF 2015

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ORDER:

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Petitioners state that the structures are affected in the notification, dated 11.08.2015, issued under Section 3 (A) (1) of the National Highways Act, 1956 (for short, 'the Act'). Petitioners also state that they filed their objections on 24.08.2015, which are pending consideration along with the objections filed by other land owners. Apprehending that the petitioners are likely to be dispossessed even before considering their objections, the present writ petition is filed.

Heard.

It appears to the Court that the present writ petition is filed on mere apprehension. Under the scheme of National Highways Act, unless the land sought to be acquired vest with the Central Government in terms of Section 3 (D) and (G) of the Act, the possession of affected land cannot be taken. The stage for applicability of Section 3 (D) and (G) is yet to reach, as the proceedings are still pending at the stage of consideration of objections in response to Section 3 (A) of the Act. Hence, to my mind, unless the provisions of National Highways Act are complied with, the possession of any of the affected land cannot be taken by any authority. The writ petition appears to have been filed on mere apprehension, which has no basis.

With these observations as above, this Writ Petition is disposed of at the stage of admission. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V. AFZULPURKAR, J

03.11.2015

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