

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2612 of 2016

- Mithlesh Giri S/o Late Shri Ruman Giri Goswami, Aged About 63 Years R/o Village Marood, Tehsil And Thana Kurud, District Dhamtari (Chhattisgarh)

---- Petitioner

Versus

1. Union Of India Through Its Secretary Ministry Of Road Transport And Highways, Transport Bhawan, 1, Parliament Street, New Delhi, India
2. National Highways Authority Of India, Through Project Director Office Of The Project Director Implementation Unit, A- 7, V. I. P. Estate Shankar Nagar, Raipur, District Raipur (Chhattisgarh)
3. State Of Chhattisgarh, Through Secretary, Department Of Public Works Department, Mantralaya, Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
4. Sub Divisional Officer (Revenue), And Land Acquisition Officer, Kurud, Dhamtari, District Dhamtari (Chhattisgarh).

---- Respondent

For Petitioner	Mr. Vinay Pandey, Advocate
For Respondent /UOI	Mr. N.K. Vyas, Assistant Solicitor General
For Respondent /State	Mr. Ramakant Mishra, Dy. AG
For Respondent No.2	Ms. Smita Jha, Advocate on behalf of Mrs. Fouzia Mirza, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

26/10/2016

1. Heard.
2. Prayer has been sought in this writ petition for issuance of direction to respondent No.2 to decide the objection raised by

the petitioner and thereafter, proceed to acquire the land for widening of National Highway No.30 (New NH No. 43) from Km. 32.400 to Km. 59.230 (Raipur – Dhamtari section).

3. It is argued that the acquisition of the petitioner's land is arbitrary because on the opposite side of the road, enough space is available for widening yet plan has been made in such a manner that the petitioner's land is acquired leaving the vacant land on the other side. It is also argued that despite memorandum issued to the respondent by the Central Government on 18.07.2016, the petitioner's representation has been rejected without providing any opportunity of personal hearing.
4. A perusal of the writ petition and the documents would reveal that initial Notification under Section 3D of the National Highways Act, 1956 (in short "the Act, 1956") was issued on 13.03.2015 and thereafter, final Notification under Section 3H has already been issued and the compensation has been determined.
5. As a matter of fact, the petitioner has already been offered the amount of compensation vide Notice Annexure P/8 issued under Section 3H of the Act, 1956, therefore, at present, the acquisition is complete.
6. Under the Scheme of the Act, 1956, once the amount of acquisition has been determined, the land acquisition proceeding is concluded and thereafter a direction cannot be issued to the respondent authority for considering the

representation contrary to the statutory scheme. The petitioner should have approached the Court immediately after issuance of preliminary Notification under Section 3D of the Act, 1956.

7. On account of delay and laches, the direction sought for in the application cannot be issued at this stage. There is no substance in the writ petition, it fails and is hereby dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)

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