

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

110

CWP-26887 of 2023

Date of Decision:01.12.2023

YOGESH KUMAR

....Petitioner

Versus

UNION OF INDIA & ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

HON'BLE MS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Sandeep Kumar Yadav, Advocate,
for the petitioner.

Mr. Sahil Kumar, Advocate, for
Mr. Vikas Chatrath, Advocate,
for the respondents-NHAI.

SURESHWAR THAKUR, J. (Oral)

1. In the instant petition, the present petitioner, seeks quashing of Notification No. S.O.3074(E) (Annexure P-5) drawn on 06.07.2022, and, as became issued under Section 3, sub-section (ii), sub-section (i) and Section 3(a) of the National Highway Authority Act, 1956. Moreover, the petitioner also seeks the quashing of the Award made on 02.09.2022 (Annexure P-7).
2. The learned counsel for the petitioner has asked for the above relief becoming granted, on the ground, that he was barred from participating

in the relevant proceedings. Therefore, he submits that since breach has been caused to the principles of natural justice, thereby the petitioner has been condemned unheard. Resultantly, the relief(s) (supra) be granted in favour of the writ petitioner.

3. For the reasons to be assigned hereinafter, the above asked for relief, cannot be granted to the petitioner, as the notifications (supra), which led to the making of the impugned Award, are not contended by him to not become published in the daily newspapers concerned, circulating in the area concerned, nor it is contested by the learned counsel for the petitioner, that the said notification(s) became published in the official gazettee concerned. If so, the issuances of (supra), did comprise constructive public notice, to the land loser concerned. Consequently, when thereby he became awakened qua the drawings of the above notification, thereby he was required to be at the initial stage ensuring his raising objections to the launching of the acquisition proceedings. However, he failed to do so, rather he permitted the makings of the impugned Award by the authority concerned.

3. In the wake of the above, the lack of participation(s) of the present land loser in the relevant proceedings, and, or his not raising an objection at the earliest *viz-a-viz* the launching of the acquisition proceedings, despite his for reason (supra) rather acquiring constructive knowledge and notice, qua the launching of the acquisition proceedings, thereby constrains this Court, to conclude, that the above raised plea appertaining to breach being caused to the principle of natural justice, rather is a misfounded plea. Consequently, finding no merit in the present petition,

the same is, accordingly dismissed. The notification (supra) as well as the impugned Award is maintained and affirmed.

4. However, the compensation amount, if assessed and deposited before the Collector concerned, be, in accordance with law, released to the present petitioner, besides leaving liberty to the present petitioner, to if the compensation amount, so assessed, thus is a deficitly assessed, to thereby avail appropriate statutory remedies.

5. Pending applications, if any, also stand disposed off.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

December 01, 2023
dinesh

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No