

**HIGH COURT OF UTTARAKHAND AT NAINITAL****1. Writ Petition (M/S) No.2686 of 2023**

KiranPetitioner
Versus
District Magistrate Haridwar & Ors.Respondents

2. Writ Petition (M/S) No.2663 of 2023

JyotsanaPetitioner
Versus
District Magistrate Haridwar & Ors.Respondents

3. Writ Petition (M/S) No.2664 of 2023

Sher AliPetitioner
Versus
District Magistrate Haridwar & Ors.Respondents

4. Writ Petition (M/S) No.2665 of 2023

GulistaPetitioner
Versus
District Magistrate Haridwar & Ors.Respondents

5. Writ Petition (M/S) No. 2667 of 2023

Vimla TyagiPetitioner
Versus
District Magistrate Haridwar & Ors.Respondents

6. Writ Petition (M/S) No.2668 of 2023

Mamta SainiPetitioner
Versus
District Magistrate Haridwar & Ors.Respondents

7. Writ Petition (M/S) No.2670 of 2023

Mohd. IrshadPetitioner
Versus
District Magistrate Haridwar & Ors.Respondents

8. Writ Petition (M/S) No.2671 of 2023

Akshay KumarPetitioner
Versus
District Magistrate Haridwar & Ors.Respondents

**9. Writ Petition (M/S) No.2693 of 2023**

Subodh Kumar Saini

.....Petitioner

Versus

District Magistrate Haridwar & Ors.

.....Respondents

Presence:-

Ms. Sukhwani Singh, learned counsel holding brief of Mr. Parikshit Saini, learned counsel for petitioners.

Mr. Devendra Singh Bora, learned Standing Counsel for the State of Uttarakhand/respondent Nos.1 to 3.

Mr. Naresh Pant, learned counsel for respondent No.4-NHAI.

Hon'ble Pankaj Purohit, J. (Oral)

Heard learned counsel for the parties.

2. Delay in filing the counter affidavits is condoned. Delay condonation applications (IA Nos.2 of 2024 and IA No.1 of 2024) made therefor in all the writ petitions, are allowed. Counter affidavits are taken on record.

3. By means of these writ petitions, petitioners have challenged the order/report dated 02.11.2022 and consequence notices dated 10.08.2023 passed by respondent No.2, whereby, the award dated 21.05.2022 passed by respondent Nos.2 & 3 has been changed.

4. Since all these writ petitions entail common questions of fact and law, hence, these are being taken up together and decided by this common order. However, the facts of WPSS No.2686 of 2023 are only taken up for consideration.

5. The facts of the case shorn-off unnecessary details are that the land of the petitioner in Village Saliyar Salhapur Mustahakam, Tehsil Roorkee, District Haridwar, was acquired by the respondent No.4, for the purpose of construction of Delhi-Dehradun-Haridwar



Greenfield Highway. The proceedings for calculation of compensation was initiated before the respondent No.2 under the provisions of Section 3(G)(1) & (2) of the National Highway Act, 1956. Thereafter, respondent No.2 has passed its award on 21.05.2022 and determined the compensation @Rs.7,757/- per sq. meter. The award dated 21.05.2022 passed by the respondent No.2 was challenged before the Arbitrator by the petitioner as well as respondent No.4 under Section 3(G)(5) of the National Highway Act, 1956. Undisputedly, the said arbitration cases are still pending consideration before the Arbitrator. In between, what has happened that the respondent Nos.2 & 3 has passed the impugned order dated 02.11.2022, whereby, the respondent No.2 has changed the rate of acquired land, on which the compensation was calculated, from Rs.7,757/- per Sq. Mtr. to Rs.3,446/- per Sq. Mtr. and impugned notices were issued to the petitioner for recovery of excess amount paid to him.

6. It is feeling aggrieved by the said action on the part of the respondent Nos.2 & 3, the petitioner is before this Court.

7. It is submitted by the learned counsel appearing for the petitioner that the controversy has been set at rest vide judgment and order dated 04.11.2024 passed by this Court in WPMS No.2675 of 2023 and Batch.

8. Learned counsels for the respondents have also submitted that the present matter is squarely covered by the judgment and order dated 04.11.2024 passed by this Court in WPMS No.2675 of 2023 and Batch.



2024:UHC:8145

9. In this view of the matter, all these writ petitions are partly allowed in terms of the judgment and order dated 04.11.2024 passed by this Court in WPMS No.2675 of 2023 and Batch. The case of the petitioners shall abide by the aforesaid judgment and order dated 04.11.2024.

10. Pending application(s), if any, also stands disposed of.

(Pankaj Purohit, J.)

05.11.2024

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