



CWP No.12991 of 2025 (O&M)

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

145

CWP No.12991 of 2025 (O&M)

Date of Decision: 11.08.2024

ASHUTOSH UPDHAYA AND ANR

.....Petitioners

Vs

UNION OF INDIA AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

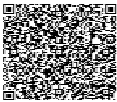
Present: Mr. G.S. Virk, Advocate
for the petitioners.

HARKESH MANUJA, J. (Oral)

[1]. By way of present petition, challenge has been laid to an order dated 22.04.2024 passed by the Competent Authority Land Acquisition-cum-DRO Ludhiana, whereby the petition preferred at the instance of petitioners having invoked Section 3(H) of the National Highway Act, 1956 for release of compensation towards construction existing over the land acquired by the National Highway Authorities was dismissed.

[2]. Learned counsel for the petitioners submits that the land comprised in Khasra No.14//8 (2 Kanals 16 Marlas) situated within the revenue estate of village Bonkar Dongran, Tehsil & District Ludhiana came to be acquired by the National Highway Authorities followed by an award dated 23.09.2021 passed by the Competent Authority Land Acquisition-cum-District Revenue Officer, Ludhiana. The aforementioned land was in occupation of the petitioners they having constructed a residential house thereupon.

[3]. Learned counsel for the petitioners though restricts his claim with respect to the award of compensation regarding the super structures only. He thus, submits that the petitioners being in occupation of the aforementioned land having



CWP No.12991 of 2025 (O&M)

constructed their house; upon its acquisition and removal of super structure were entitled to be compensated by the National Highway Authorities, however, contrarily the Competent Authority went wrong while declining the claim of the petitioners.

[4]. I have heard learned counsel for the petitioners and perused the paper book. I am unable to find substance in the submissions made on behalf of the petitioners.

[5]. Learned counsel for the petitioners has not been able to point out even a single document to show that the petitioners were occupying the property in question by building a house thereupon under any valid lease deed/allotment deed or even on license from the Provincial Government, who happened to be the owner. In such circumstances, the petitioners being unauthorized occupants over the land owned by the Provincial Government having raised construction thereupon without any authority in law cannot by any stretch of imagination be termed as persons interested for the purposes of Section 3(G) of the National Highway Act, 1956.

[6]. In view of discussion made hereinabove, finding no merit in the contentions raised on behalf of the petitioners, the instant writ petition stands dismissed, the petitioners shall however be at liberty to avail any other remedy available to them in accordance with law.

[7]. Pending application(s), if any shall also stand disposed of.

August 11, 2025
Atik

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No