

Court No. - 39

Case :- WRIT - C No. - 22805 of 2022

Petitioner :- Murari Lal And 2 Others

Respondent :- Union Of India And 5 Others

Counsel for Petitioner :- Mahendra Nath Pandey

Counsel for Respondent :- A.S.G.I.,C.S.C.,Pranjal Mehrotra

Hon'ble Mrs. Sunita Agarwal,J.

Hon'ble Mrs. Jyotsna Sharma,J.

Heard learned counsel for the petitioners and Sri Pranjal Mehrotra, learned Advocate appearing for the respondents-Authority.

The petitioners claim to be the owner of Gata no. 94 area measuring 0.65 hectares which according to them was belonging to their father by virtue of the sale deed dated 14.05.1984. In none of the paragraphs of the writ petition, the petitioners have disclosed the heirs of the land in question upon whom the land has been devolved after the death of their father.

The contention of the learned counsel for the petitioners is that the land in question had been acquired under the National Highways Act, 1956 and an award had been made under Section 3G of the National Highways Act, 1956. The National Highways Authority had challenged the award under Section 3G(5) of the Act, 1956. The arbitration application namely, Suit No. 1171 of 2019 filed by the National Highways Authority has been dismissed on 19.02.2021.

The contention, thus, is that after dismissal of the arbitration application filed by the National Highways Authority, all affected persons are entitled to obtain compensation. In none of the paragraphs of the writ petition, the petitioner has disclosed that he has filed an application seeking for disbursement of compensation bringing on record the details of their entitlement to compensation.

The only prayer made in the writ petition is as under:

"Issue a writ order or writ of Mandamus directing to the respondent No. 4, 5 to pay the compensation amount as determined by the respondent No. 5 in suit No. 6 of 2018 by order dated 29-1-2019 for acquire the land 30.48m.sq. of the petitioner no. 1, 15.25m.sq. land of the petitioner no. 2, and 15.25m.sq. land of the petitioner no. 3 situated in gata No. 94 Rehchati, Pargana and Tehsil Shikohabad, District Firozabad with the period of 2 months."

Though an application has been brought on record, but no details of the owners/tenure-holders of the land in question has been given therein. We, therefore, do not find any ground to issue a positive mandamus.

It is, however, provided that the petitioners may file an application before the competent authority in accordance with the provisions of Section 3H of the National Highways Act, 1956 giving details of their right, title and share in the land in question and the description of other heirs/co-owners of the land.

In case such an application is filed within a period of three weeks along with the copy of this order, the competent authority shall be under obligation to make the necessary inquiry and pass an appropriate order in the matter of disbursement of compensation.

It is made clear that independent consideration shall be made by the competent authority and the directions issued therein will not be treated as a ground to release the compensation in favour of the petitioners without completion of the necessary inquiry.

The writ petition is, accordingly, **disposed of**.

Order Date :- 7.9.2022

Vik/-