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2026:AHC:232433-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 9264 of 2026

Vasudev

…..Petitioner(s)

Versus

Executive Engineer, Highway Division, Public Work Department, Prayagraj and 2 others

…..Respondent(s)

Counsel for Petitioner(s)	:	Shailendra Kumar Singh, Vikas Tiwari
Counsel for Respondent(s)	:	Rajesh Kumar Jaiswal, C.S.C.

Court No. - 29

HON'BLE SIDDHARTHA VARMA, J.
HON'BLE KUNAL RAVI SINGH, J.

1. Heard Shri Vikas Tiwari, learned counsel for the petitioner, Shri Ajeet Singh Rana, learned Standing Counsel for the State, and Shri Ravindra Kumar Singh, learned counsel holding brief of Shri R.K. Jaiswal, learned counsel for the National Highways Authority of India ("NHAI").

2. The petition concerns compensation for an RCC construction standing on Arazi No. 595, Village Mawai, Pargana Atharvan, Tehsil Manjhanpur, District Kaushambi. The land was acquired for the four-lane National Highway No.731A (Ram Van Gaman Marg) under the National Highways Act, 1956 ("the Act, 1956" for brevity). The petitioner claims through his predecessor, Mahesh Prasad, son of Shankar Dayal Pandey, whose name appears in the notification under Section 3-D of the Act, 1956.

3. The petitioner challenges the supplementary award dated 14.08.2024 passed by the Competent Authority (Special Land Acquisition Officer), Kaushambi,

to the extent it relates to him. He prays that the respondents be directed to honour the earlier supplementary award dated 04.08.2023 and release the balance compensation, with interest.

Facts of the Case:-

4. A notification under Section 3-A of the Act, 1956 was issued on 20.07.2022, followed by a notification under Section 3-D on 17.11.2022. By award dated 31.12.2022, the Competent Authority determined compensation for the acquired agricultural land measuring 1.3598 hectares. After the Executive Engineer, Public Works Department, Kaushambi, and the Tehsildar, Kaushambi, verified the valuation of the structures, a supplementary award dated 04.08.2023 was passed under Section 3-G(1) of the Act, 1956. It determined compensation of Rs.68,00,650.78 for the petitioner's constructions/assets (Serial No. 41 of the relevant table).

5. By letter dated 11.03.2024, the petitioner was asked to furnish certain documents for release of this compensation. Instead of releasing it, the respondents carried out a fresh verification. On that basis, a second supplementary award dated 14.08.2024 was passed, determining compensation of Rs.17,79,056/- for the same constructions/assets (Serial No. 42 of the relevant table).

6. Pursuant to the second supplementary award, Rs. 29,18,284/- was credited to the petitioner's bank account. Nothing has been paid under the supplementary award dated 04.08.2023. The petitioner states that Form No. 16A issued by the Income Tax Department shows both Rs. 68,00,650/- and Rs.32,42,538/- against the two supplementary awards.

7. The petitioner submitted a representation dated 14.07.2025 seeking an inquiry and payment in terms of the supplementary award dated 04.08.2023. No decision has been taken on it.

Submissions:-

8. Learned counsel for the petitioner submits that once compensation was determined by the supplementary award dated 04.08.2023 under Section 3-

G(1), the Competent Authority became functus officio. It had no jurisdiction to review, revise or alter that award by a later supplementary award.

9. The Act, 1956 confers no power of review on the Competent Authority. The statute provides its own remedy for a dispute on the amount determined by the Arbitrator under Section 3-G(5), read with Sections 3-G(6) and 3-G(7). If the respondents considered the earlier valuation wrong, they had to approach the Arbitrator.

10. He relies on the Division Bench **judgment dated 19.09.2019 in Writ-C No. 42225 of 2014** (**Ravindra Kumar Singh v. Union of India and 2 Others**); on paragraphs 10 to 13 of the **Karnataka High Court judgment reported in 2025 KHC 48715** (Writ Petition No. 11168 of 2025, decided on 24.11.2025); and on the Full Bench decision of this Court in **Shivraji and Others v. Deputy Director of Consolidation, Allahabad and Others (1997 RD 562)**, for the proposition that an authority cannot review its decision unless the statute confers that power.

11. The supplementary award dated 14.08.2024 is therefore without jurisdiction. The petitioner prays that it be set aside and that the balance compensation under the award dated 04.08.2023, after adjusting the amount already paid, be released with interest.

12. Learned Standing Counsel for the State and learned counsel for the NHAI could not dispute the fact that the Special Land Acquisition Officer reviewed the earlier award dated 04.08.2023 by the subsequent award dated 14.08.2024. They could not point to any provision of the Act, 1956 which authorises such a review.

Point for determination:-

13. The only question is whether the Competent Authority, having determined compensation for the petitioner's structures by the supplementary award dated 04.08.2023 under Section 3-G(1) of the Act, 1956, could replace that determination with a different amount by a second supplementary award dated 14.08.2024, when the Act, 1956 confers no power of review.

Discussion:-

14. The Competent Authority is a statutory authority. It has only the powers that the Act, 1956 gives it, expressly or by necessary implication. The Act, 1956 is a self-contained code on acquisition for national highways, and its provisions on compensation must be read as a whole.

15. The scheme for compensation is clear. Under Section 3-G(1), the amount payable for acquired land is determined by an order of the Competent Authority. Under Section 3-G(5), if either party is not satisfied with that amount, it is determined by an Arbitrator appointed by the Central Government, on the application of either party. Sections 3-G(6) and 3-G(7) apply the Arbitration and Conciliation Act, 1996 to that proceeding and list the factors the Arbitrator must consider.

16. Thus the Legislature has itself provided how an award of the Competent Authority is to be tested. A party unhappy with the quantum has one remedy to go before the Arbitrator. Nothing in Section 3-G, or elsewhere in the Act, 1956, allows the Competent Authority to reopen its own award, re-verify the valuation and substitute a new figure. Had the Legislature wished to give that power, it would have said so. Providing a statutory forum for correcting the quantum points the other way.

17. It is a settled principle that where a statute requires a thing to be done in a particular manner, it must be done in that manner or not at all (**Nazir Ahmad v. King Emperor, AIR 1936 PC 253**). The Act, 1956 requires a dissatisfied party to approach the Arbitrator. The respondents did not do so. They chose to revise the award themselves, which the statute does not permit.

18. The power of review is not an inherent or incidental power. It exists only if the statute confers it. This is the settled position in law: In **Patel Narshi Thakershi v. Pradyumansinghji Arjunsinghji {(1971) 3 SCC 844)}**, the Supreme Court held that the power of review is not an inherent power and must be conferred by law, either specifically or by necessary implication.

19. In **Kalabharati Advertising v. Hemant Vimalnath Narichania {(2010) 9 SCC 437)}**, the Supreme Court held that an authority that has no power of review under the statute cannot review its earlier order, and that an order passed in exercise of a power not conferred by law cannot stand.

20. A Full Bench of this Court took the same view in **Shivraji and Others v. Deputy Director of Consolidation, Allahabad and Others (1997 RD 562)**, on which the petitioner relies: where the statute does not confer the power of review, the authority cannot exercise it.

21. The petitioner has also relied on the Division Bench judgment in Ravindra Kumar Singh (Writ-C No. 42225 of 2014, decided on 19.09.2019) and on paragraphs 10 to 13 of the Karnataka High Court judgment reported in 2025 KHC 48715. Both support the view that an authority acting under an Act that confers no power of review cannot revisit its own determination, and that the proper course for a party aggrieved by the amount of compensation under the Act, 1956 is the statutory arbitration. We find these decisions consistent with the principles stated above and respectfully agree with them.

22. Once the Competent Authority passed the supplementary award dated 04.08.2023 determining compensation under Section 3-G(1), its jurisdiction on that matter was exhausted and it became functus officio. The award was not a tentative or provisional assessment. It followed verification by the Executive Engineer, Public Works Department, and the Tehsildar, and the respondents themselves acted on it by asking the petitioner, on 11.03.2024, for documents needed to release the amount.

23. We have also examined whether the second supplementary award could be treated as a correction of a clerical or arithmetical slip. In our view, it cannot be the position. The second award is based on a fresh verification of valuation and reduces the compensation for the same structures from Rs.68,00,650.78 to Rs.32,42,538/-, which is a change of substance. Re-assessing the value of the structures is exactly the kind of dispute on quantum that the Act, 1956 sends to the Arbitrator. The Competent Authority cannot sit in appeal over its own award.

24. Administrative convenience, a later change of view, or a wish to correct an earlier valuation does not give the authority a jurisdiction that the statute withholds. An order passed without jurisdiction is a nullity, whatever the reasons behind it.

25. The matter also concerns a constitutional right. Compensation for acquired property is the price of the owner's deprivation under Article 300A of the Constitution of India, which allows deprivation of property only by authority of law. When compensation has been fixed by a competent authority in the manner the statute prescribes, it cannot be reduced by a process the statute does not recognise.

26. The respondents offered no defence on the legal question. Learned Standing Counsel and learned counsel for the NHAI could not dispute that the earlier award was reviewed, and neither pointed to any provision of the Act, 1956 empowering the Competent Authority to do so. The factual position is therefore admitted, and the legal position is clear.

27. The conduct of the respondents compounds the matter. The amount determined under the supplementary award dated 04.08.2023 has not been paid, even though the petitioner was asked to furnish documents for its release. The petitioner's representation dated 14.07.2025 has remained undecided. The petitioner has been left without the compensation fixed in his favour, and the only explanation is a second award that the Competent Authority had no power to pass.

28. For these reasons, we hold that the supplementary award dated 14.08.2024, insofar as it relates to the petitioner, was passed without jurisdiction and cannot be sustained. The supplementary award dated 04.08.2023 remains in force as the determination of compensation for the petitioner's structures.

29. This judgment does not close the statutory remedy. If the NHAI or any other party is dissatisfied with the quantum determined by the supplementary award dated 04.08.2023, it may approach before the Arbitrator under Section 3-G(5) of the Act, 1956, in accordance with law. We express no opinion on the

merits of the valuation or on any question of limitation that may arise in such a proceeding.

30. The writ petition is allowed. It is ordered as follows:

(i) The supplementary award dated 14.08.2024, insofar as it relates to the petitioner (Serial No. 42 of the relevant table), is quashed.

(ii) The respondents shall release to the petitioner the compensation determined by the supplementary award dated 04.08.2023 (Rs.68,00,650.78), after adjusting the sum of Rs.29,18,284/- already paid, within a period of one month from the date a certified copy of this order is produced before the Competent Authority.

(Kunal Ravi Singh,J.) (Siddhartha Varma,J.)

November 06, 2026
NLY

Digitally signed by :-
NAND LAL YADAV
High Court of Judicature at Allahabad