

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

(1) WRIT C No. 11624 of 2022

Jaywanti Devi Petitioner
Vs.
Union of India and others ...Respondents

AND

(2) WRIT - C No. - 11637 of 2022

Ashwani Kumar DulwaniPetitioner
Vs.
Union of India and others ...Respondents

AND

(3) WRIT - C No. - 11659 of 2022

Navin Kumar DulwaniPetitioner
Vs.
Union of India and others ...Respondents

Petitioners Through:- Mr. Arpit Agarwal, Advocate
Respondents Through:- Mr. Pranjal Mehrotra, Advocate
for respondent no. 2,
Ms. Akanksha Sharma, Standing
Counsel for respondent no. 3

**CORAM : HON'BLE RAJESH BINDAL, CHIEF JUSTICE
HON'BLE J. J. MUNIR, JUDGE**

ORDER

1. Challenge in these petitions is to the notifications dated July 16, 2021 and December 22, 2021 issued by respondent no. 1 under Section 3A and 3D of the National Highways Act, 1956 (hereinafter referred to as “the Act”) respectively. The purpose of acquisition, as is available from the aforesaid notifications, is for building (widening two-laning with paved shoulders/four-laning etc.), maintenance, management and operation of National Highway-730C, National Highway-730B & National Highway-731K (Shahbajpur-Pilibhit Section) in district Pilibhit, in the State of Uttar Pradesh under Green National Highway Corridor Project.

2. It is not in dispute that the petitioners did not file any objection after issuance of notification under Section 3A of the Act. The objection was filed only after issuance of notification under Section 3D of the Act stating that the acquisition of the land is bad for the reason that it is in violation of Rule 8 of the National Highways Fee (Determination of Rates and Collection) Rules, 2008 (hereinafter referred to as “the Rules”) as no Toll Plaza could be established within five kilometers of an industrial area. The land of the petitioners is located within that area.

3. We are not impressed with the argument. A perusal of the notifications clearly show that it is for the purpose of widening, maintenance, management and operation of National Highways in district Pilibhit under Green National Highway Corridor Project, which is a project for development of infrastructure. It is not in dispute that the petitioners did not file any objection when the notification under Section 3A of the Act was issued. It was filed only after notification under Section

3D had also been issued. There is nothing mentioned in the notifications that the acquisition in question is specifically for the purpose of construction of Toll Plaza, rather a large chunk of land, measuring total 122.7152 hectares, was acquired for construction of national highway under the Green National Highway Corridor Project, which is of national importance. Out of the aforesaid, the land owned by the petitioners in all the aforesaid writ petitions, as shown in the notification under Section 3D of the Act, annexed with the petitions as Annexure-5, is 1.8629 hectares (0.5278, 0.9031, 0.432 hectares respectively in all the three petitions).

4. Considering the aforesaid fact that the acquisition is for the purpose of construction of national highway under Green National Highway Corridor Project, which is a project for development of infrastructure and has national importance, we do not find that any case is made out for interference in the present petitions.

5. The writ petitions are, accordingly, dismissed.

(J. J. Munir)
Judge

(Rajesh Bindal)
Chief Justice

Allahabad
May 9, 2022

Manish Himwan/P.Sri.

Whether the order is speaking : Yes^v/No
Whether the order is reportable : Yes/No