

CNR No:HRFB010044352024 CASE No:LAC-17-2024
MCF Vs HAR KISHAN

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**IN THE COURT OF AJAY SHARMA, ADDITIONAL DISTRICT
JUDGE, FARIDABAD (UID NO. HR0564)**

Date of Order : 11.02.2026

**Order on Application filed by Respondent No.4 (NHAI) for early
hearing as well as for passing consequential directions / restraining
order**

in

**Petition/Reference under Section 3H(4) of the National Highways
Act, 1956.**

Present: Sh. Narender Kumar Singla, learned counsel for petitioner.

Sh. Siddharth Sharma, Ld. GP for respondents no.1 and 2
alongwith Sh.Vipin Vats, Kanoongo and Sh. Nawal,
Patwari for respondent no. 2.

Sh. N.K.Tanwar, learned counsel for respondent no.4.

Respondent no. 5(vii) ex parte vide order dated
30.07.2025.

Sh. Akash Tewatia, learned counsel for respondent
no. 5 (i) to (iv), (vi) & (viii).

ORDER

By way of this order, this Court shall dispose of the
application which has been filed on behalf of respondent no.4 i.e.

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National Highways Authority of India (hereinafter referred to as “**the applicant**”) seeking preponement of the date of hearing in the present reference petition filed under Section 3H(4) of the National Highways Act, 1956 and for issuance of consequential directions including passing of restraining orders and handing over possession of acquired land.

2. The learned counsel for the applicant has submitted that the land in question has been acquired vide Award No.21 dated 04.08.2022 for the project i.e. Construction of Green Field connectivity to Jewar International Airport from DND-Faridabad-Ballabhgarh Bypass KMP Link Spur to Delhi to Mumbai Express way in the District Faridabad, Palwal in State of Haryana, District Gautam Budh Nagar in State of Uttar Pradesh. The entire compensation amount has already been deposited with the Competent Authority. It is further submitted that the project is of national importance and for a greater public purpose and the delay in disposal in the same has been causing

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financial loss to the applicant as well as causing obstruction in economic growth and development of the country. It is further submitted that the respondents No.5 and other villagers of Village Sotai are obstructing the construction work and are not handing over possession of the acquired land for their own personal gain. The applicant has prima facie case in its favour as the land in question has been acquired with due process of law. Balance of convenience is also in its favour as entire amount of compensation has been deposited before the Competent Authority and the applicant would suffer irreparable loss, if this Court refuse to pass restraining orders and directions for handing over possession to the applicant.

3. The learned counsel for the applicant has placed reliance upon judgment of Hon'ble High Court of Punjab and Haryana in case titled as **“Manjit Singh vs. Union of India”- Law Finder Doc Id # 1948970, decided on 19.01.2022**, wherein the Hon'ble High Court has observed that once the land is vested in the Central Government under

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Section 3-D, it shall be lawful for any person duly authorized by the Central Government in this behalf, to enter and do any other act necessary upon the land such as carrying out the building, maintenance, management or construction of a national highway or on a part thereof, apart from other purposes.

4. Per contra, the learned counsel for the respondents No.5 has submitted that the respondents No.5 are the actual owner of land in question which was acquired by the Land Acquisition Collector of Village Sotai. As per Jamabandi and other relevant revenue records since 1908, the land in question was cultivated by the proprietor of the land in question and now the legal heirs of the proprietors are owners in possession of said land. The possession of said land has not been taken over by the respondent No. 4 i.e. applicant herein, till now. It is further submitted that the respondents No. 5 previously installed bore well as well as planted several trees which still stands on the land in question and no separate award with respect to that has been passed by

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the competent authority till date. The competent authority – DRO, Faridabad had sent the present reference with mala fide intention without any reason, despite having no right of Municipal Corporation of Faridabad to get the amount of the award. It is further submitted that allegations regarding obstruction in construction work and interference by villagers involve disputed questions of fact which must be adjudicated before appropriate forums and not in summary proceedings. The remedy, if any, lies before the Hon'ble High Court, competent Civil Court or Statutory Authority and not in the present reference.

5. The learned counsel for the respondents No. 5 placed reliance upon case "**Vidya Devi vs. The State of Himachal Pradesh**" - 2020 (2) SCC 569 and "**Rajasthan Housing Board & Anr. vs. Chandi Bai & Ors.**" - Civil Appeal No. 11912 of 2018, decided on 07.12.2028 by Hon'ble Supreme Court

6. Submission heard and reply, record perused.

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7. The present reference under Section 3H(4) of the National Highways Act, 1956 (in short “**Act**”) is pending for adjudication regarding apportionment / disbursement of compensation between the villagers of Sotai and Municipal Corporation of Faridabad. The proceedings under the Act are special proceedings where powers of authorities and Courts are confined to the scheme of the Act. The Courts dealing with references under the Act cannot travel beyond matters relating to compensation and the jurisdiction of this Court in such reference proceedings is limited to adjudication of disputes relating to entitlement and apportionment of compensation only. Therefore, issues relating to possession, obstruction, interference in construction activities or enforcement of administrative action do not fall within the limited jurisdiction of this Court in the present proceedings. The reliefs sought for passing retaining orders are beyond the scope of proceedings under Section 3H(4) of the Act.

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8. As far as prayer for early hearing is concerned, the said prayer is already got infructuous and considering the importance of this matter, this Court has already given short dates in this matter.

Accordingly, **the present application filed by respondent No.4 / NHAI for early hearing and consequential directions is hereby dismissed.**

Now to come up on **02.03.2026** for filing written statements / reply of the main reference petition as well as for reply/ arguments on pending miscellaneous application.

Pronounced in open Court on
Date : 11.02.2026

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Addl. District Judge,
Faridabad/UID No . HR00564

*Monika Malhotra**

Note: This order contains **seven** pages
and all the pages have been checked
and signed by me.

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