

Court on its own motion Vs. NHAI and Ors.

CWPIL No. 64 of 2024

13.11.2024 Present: Court on its own motion.

Mr. K.D. Shreedhar, Sr. Advocate, with Ms. Shreya Chauhan, Advocate, for respondent No. 1/NHAI.

Mr. Balram Sharma, Deputy Solicitor General of India with Mr. Rajeev Sharma, Advocate, for respondent No. 2.

Mr. Rakesh Dhaulta, Additional Advocate General, for the respondents/State.

Learned counsel for respondent No.1/NHAI has filed the reply. A perusal of the minutes of 2nd presentation on Shimla-Shalaghat stretch of Shimla-Mataur, Four Lane Project, held on 02.08.2022, indicates that one of the reasons for changing the alignment on this section of the road was that the new alignment has proposed to reduce the overall length by 2.5 KM and the project cost would also be lower in comparison to previous proposal. It has also been observed that the proposed alignment would have a better road geometry and lesser number of trees would be felled and would cause less disturbance in terms of dislocation of habitations/structures. Again, it has been observed that more private land now has to be acquired.

Once that be so, we fail to understand how there would be an overall reduction in the project cost, especially in view of the procedure that has now been laid down for grant of

compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The other reason that the road would be sun facing cannot by itself be considered to be a reason enough to change the alignment given the fact that the road which is to be constructed is far warmer than Shimla and as such it cannot be termed to be a consideration to change the alignment.

In such circumstances, the State is directed to file a specific affidavit with regard to the tentative cost for the construction on the old alignment as well as on the changed alignment by working out the compensation to be paid to the land owners on the basis of the current circle rates and alongwith the procedure of compensation, as provided in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and also state in detail about the number of structures to be dislocated and the compensation that would be the tentative cost of those structures. Let needful be done on or before the next date of hearing.

List on **11.12.2024**.

**(Tarlok Singh Chauhan)
Acting Chief Justice**

**(Satyen Vaidya)
Judge**

13th November, 2024
(*sushma*)