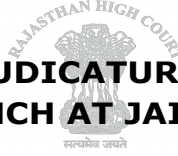




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 1311/2022

CNR: RJHC020049842022 | URN: CW / 2763U / 2022

1. Rajanti W/o Shri Ganpat Lal, Aged About 62 Years, Resident of Village-Bhagwatgarh, Presently Residing At 11, Mahaveer Nagar, Near Railway Colony, Sawai Madhopur (Rajasthan).
2. Induka W/o Rajesh, Aged About 37 Years, Resident of Village-Bhagwatgarh, Presently Residing At 11, Mahaveer Nagar, Near Railway Colony, Sawai Madhopur (Rajasthan).
3. Anita W/o Naresh Meena, Aged About 28 Years, Resident of Village-Bhagwatgarh, Presently Residing At 11, Mahaveer Nagar, Near Railway Colony, Sawai Madhopur (Rajasthan).

----Petitioners

Versus

1. Director, Horticulture Directorate, Pant Krishi Bhawan, Jaipur.
2. Land Acquisition Officer And Additional District Collector, Sawai Madhopur
3. Agriculture Research Officer, Horticulture Department, Sawai Madhopur
4. Project Director, Indian National Highway Authority, House No. 12, Shyam Sarovar, Patel Nagar, Alanpur, Sawai Madhopur.

----Respondents

For Petitioner(s)	:	Mr. Manish Kumar Sharma
For Respondent(s)	:	Mr. Abhinav Jain and Mr. Ritik Yadav for Mr. Bhrigu Sharma

HON'BLE MR. JUSTICE ANAND SHARMA

Order

07/08/2026

1. This writ petition has been filed by the petitioners with a prayer to direct the respondents to decide the application dated 02.03.2021 submitted by the petitioners and to grant them



correct/complete compensation while determining correct value of their guava trees.

2. Learned counsel appearing for the respondents, at the outset raised an objection that once award is passed by the Land Acquisition Officer, he is rendered powerless and no modification in the award can be made by him, even after receiving any representation from any person. The correct remedy to challenge the quantum of compensation is to submit an application for reference under the provisions of National Highways Act, 1956 (hereinafter to be referred as 'the Act of 1956'). In the instant case, without invoking the reference provisions, petitioners have invoked extraordinary jurisdiction of this Court, therefore, the writ petition filed by the petitioners is not maintainable.

3. Heard learned counsel for the parties and perused the material available on record.

4. The contents of the writ petition along with prayer made therein would make it clear that the sole grievance of the petitioners is that the compensation in respect of guava trees has not been determined in proper manner, while passing of an award in land acquisition proceedings under the National Highways Act, 1956.

5. This Court finds that Sections 3A to 3-I of the Act of 1956 have been specifically inserted by the Central Legislature by way of an amendment with the sole object to regulate the acquisition proceedings including the method of determination of compensation as well as payment thereof. Section 3G of the Act deals with determination of amount payable as compensation and Section 3G(5) makes it clear that if the amount determined by the



competent authority under sub-Section (1) or sub-Section (2) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the Arbitrator to be appointed by the Central Government.

6. In the instant case, nothing has been mentioned in the entire writ petition as to whether, the petitioners have filed any application under Section 3G(5) for appointment of Arbitrator for the purpose of re-determination of compensation or not.

7. Under these circumstances, merely stating that the petitioners have filed representation for modification of award of compensation and re-determination thereof, is not sufficient. It is settled proposition of law that if a statute provides for a particular manner for carrying out a particular exercise, then no person can undertake a different method than prescribed under the statute.

8. In view of above, this Court finds that the prayer made by learned counsel for the petitioners in the instant writ petition is totally misconceived, and the same is hereby dismissed.

9. Pending application(s), if any, also stand(s) disposed of.

(ANAND SHARMA),J