

ITEM NO.64

COURT NO.15

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SSPECIAL LEAVE PETITION (CIVIL) Diary No. 12061/2024

(Arising out of impugned final judgment and order dated 21-02-2023 in WRITC No. 21607/2022 passed by the High Court of Judicature at Allahabad)

NATIONAL HIGHWAY AUTHORITY OF INDIA

Petitioner(s)

VERSUS

RAJ KUMAR & ORS.

Respondent(s)

(IA No.84680/2024-CONDONATION OF DELAY IN FILING SLP)

Date : 15-04-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE BELA M. TRIVEDI

HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s)

Mr. Tushar Mehta, Sr. Adv. & Solicitor General
Mr. Tarun Dua, Adv.
Mr. Sumit Gupta, Adv.
Mr. Prateek Madnani, Adv.
Mr. Akshay Tiwari, Adv.
Mr. Pragun Dua, Adv.
Mr. Nimish Goel, Adv.
Mr. Anupam Pandey, Adv.
Ms. Shubhi Dhiman, Adv.
Mr. Pulkit Kaushik, Adv.
Mr. Venkita Subramoniam T.R, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1. Delay condoned.
2. Heard Mr. Tushar Mehta, learned Senior Advocate and Solicitor General appearing for the petitioner - National Highway Authority of India and perused the record.
3. According to Mr. Mehta, the present Special Leave Petition has been filed only for a limited purpose of clarification in respect

of the observation/direction given in the impugned order passed by the High Court which reads as follows:-

"For the above, without entering into the merits of the claim of the petitioner, it is directed that the competent authority under the National Highways Act, 1956 shall prepare a proposal for the rehabilitation and resettlement award for affected families, within the meaning of Section 3(c) of the Act, 2013, in terms of the entitlements provided in the Second Schedule, with the assistance of the officers of the NHAI and submit the same before the Collector for making award in accordance with the provisions of Section 31 of the RECTLARR Act, 2013.

For preparation of the said proposal, the competent authority shall make necessary enquiry as per the provisions of the Sections 34, 35 and 36 of the RECTLARR Act 2013 as contained in Chapter V of the Act, 2013, i.e. before preparation of the rehabilitation and resettlement award, in relation to the acquisition in question."

4. According to the learned Senior Advocate - Mr. Mehta, the direction to submit the scheme before the Collector for following the procedure under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is not in consonance with the provisions of NHA, particularly with Section 3 read with Section 3(g) and 3 (i) of the NH Act.

5. In view of the above, let notice be issued only for the limited purpose of clarification as sought in the Special Leave Petition, returnable after four weeks.

6. Dasti service, in addition, is permitted.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(MAMTA RAWAT)
COURT MASTER (NSH)