

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 S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s).8886/2024

(Arising out of impugned final judgment and order dated 21-02-2023 in WRITC No.21601/2022 passed by the High Court of Judicature at Allahabad)

NATIONAL HIGHWAY AUTHORITY OF INDIA

Petitioner(s)

VERSUS

RANVIR SINGH & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.75061/2024-CONDONATION OF DELAY IN FILING and IA No.75060/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 19-04-2024 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. Akshay Tiwari, Adv.
Mr. Pragun Dua, Adv.
Mr. Prateek Madnani, Adv.
Ms. Shubhi Dhiman, Adv.
Mr. Nimish Goel, Adv.
Mr. Anupam Pandey, Adv.
Mr. Venkita Subramoniam T.r, AOR

For Respondent(s) Mr. Satish Pandey, Adv.
Mr. R.S. Duhan, Adv.
Mr. Akba Ali, Adv.
Mr. Santosh Kumar, Adv.
Ms. Jay Jaimini Pandey, Adv.
Ms. Sadiya Shakeel, Adv.
Mr. Abdul Qadir, Adv.
Mrs. Gulfeshan Javed, Adv.
Ms. Anjana Mathur Gupta, Adv.
Mrs. Lalita Gupta, Adv.
Mr. Ajay Kumar Srivastava, AOR

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(a) 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. Mr. Satish Pandey, learned counsel appearing on caveat for respondent No.1 accepts notice and waives further notice.

7. Dasti service, in addition, is permitted.

(RAVI ARORA)
COURT MASTER (SH)

(MAMTA RAWAT)
COURT MASTER (NSH)