

(2020) 08 JH CK 0282
In the Jharkhand High Court
Case No : Cont. Case (Civil) No.960 of 2019

Bijali Chaterjee

APPELLANT

Vs

National Highway Authority of India & Ors

RESPONDENT

Date of Decision : 28-08-2020

Acts Referred:

National Highways Act 1956 — Section 3A

Citation : (2020) 08 JH CK 0282

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Mahesh Tewari, Sweety Topno, Praveen Akhour

Judgement

Learned counsels Mr. Mahesh Tewari for the petitioner, Mr. Praveen Akhour for the opposite party no. 3 to 5 State officials and Mrs. Sweety Topno for the opposite party no.1 and 2 NHA officials are present through video conferencing.

A show-cause has been filed on 22nd August 2020 on behalf of the opposite party no.4 Deputy Commissioner, Dhanbad. Para-12 thereof is of significance in the background of the orders passed in the instant proceedings from time to time. It is quoted hereunder:-

"12. That it is stated that after careful scrutiny of the provisions of law applicable in the facts and circumstances of the case, it appeared that no denotification of the land acquired under National Highways Act, 1956 can be made at the end of the State of Jharkhand and hence in the meeting dated 14.08.2020, it has been resolved that the decision to de-scope the land of the petitioner from acquisition, the decision should be taken by the NHA authorities."

The Statement of the Deputy Commissioner, Dhanbad is indicative that till date the issue regarding payment of compensation to the petitioner for acquisition of her land after 3D notification issued on 9th February 2018 was being thrown into the court of each other by the respective authorities. This show-cause of the Deputy Commissioner does not throw light whether any decision to denotify the

land of the petitioner has been taken by the competent authority and any notification to that effect has been issued. Section 3A notification under NHAI Act was issued on 16th February 2017. After completing the formalities, 3D notification was issued on 9 th February 2018 for acquisition of lands of the Raiyats and the name of the petitioner and others appear in the last row under Kapasara Mauza, Plot No.269, area 0.0992 Hectares corresponding to 0.2450 Acres. The petitioner has been thereafter running from pillar to post. The writ petition was disposed of on the basis of the categorical stand of the NHAI in their counter affidavit that notification for acquisition of lands including that of the petitioner for widening to NH-2 had been initiated.

Reference may be made to the orders dated 18th January 2020 and 6th March 2020 passed in the present matter.

As on date, NHAI has not brought on record any decision of the competent authority to denotify the land of the petitioner acquired vide notification dated 9th February 2018. No such denotification has been brought on record. Learned counsel for the NHAI seeks one last indulgence to come clear on this issue.

Let the matter appear on 25th September 2020. In case, no clear stand of the opposite party NHAI is brought on record either way on this issue, this Court would be constrained to summon the concerned officials on the next date.