
(2018) 05 UK CK 0081

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 55 of 2018

BISHAN SINGH

APPELLANT

Vs

UNION OF INDIA AND OTHERS

RESPONDENT

Date of Decision : 16-05-2018

Acts Referred:

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 — Section 26

Citation : (2018) 05 UK CK 0081

Hon'ble Judges : SUDHANSHU DHULIA, J

Bench : Single Bench

Advocate : A.M. Saklani, Sanjay Bhatt, Yogesh Pandey, Naresh Pant

Final Decision : Disposed Off

Judgement

Sudhanshu Dhulia, JÂ

1. Petitioner's land is being acquired for broadening of National Highway 94, on which all weather road is proposed to be constructed.

According to the petitioner, the Act which would be presently applicable in the present case is the National Highways Act, 1956 read with the Right to

Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The case of the petitioner is that the matter is

presently with the Special Land Acquisition Officer for compensation, however, the tentative price which has been determined for the land of the

petitioner is much lower than what is fixed for adjoining village. In other words, the market value of his land and the market value of the land of the

adjoining village for determination of compensation varies a great deal, which is not fair.Â

2. Learned State Counsel admits that there is a Government Notification by

which in any acquisition which has to be done under the National

Highways Act after 01.01.2015, the compensation has to be determined under the Right to Fair Compensation and Transparency in Land

Acquisition, Rehabilitation and Resettlement Act, 2013.

3. Learned counsel for the petitioner has argued that in view of the variation in the market value between the petitioner's land and that of the

adjoining village, there is a violation of Section 26 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and

Resettlement Act, 2013. The petitioner has also relied upon a letter dated 30.11.2017 whereby the District Magistrate, Tehri Garhwal has sought

directions from the Inspector General of Registration, Uttarakhand, Dehradun.

4. In view of the above, writ petition is disposed with the direction that respondent no. 2 i.e. Inspector General of Registration, Uttarakhand, Dehradun

shall consider all the relevant aspects in accordance with law, including the provisions of the National Highways Act, 1956 read with the Right to Fair

Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and pass appropriate orders