

(2011) 04 JH CK 0057

In the Jharkhand High Court

Case No : Writ Petition (C) No. 1003 of 2011

Ramesh Kumar and Others

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 01-04-2011

Acts Referred:

Land Acquisition Act, 1894 — Section 3A

Citation : (2011) 2 JCR 567

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

R.K. Merathia, J.—This writ petition has been filed for quashing the order dated 5.10.2010 (Annexure-8), passed by Respondent No. 7-District Land Acquisition Officer-Ramgarh cum competent authority, rejecting the objections filed by the Petitioners and other villagers against acquisition of their lands.

2. Mr. V. Shivnath, learned senior counsel appearing for the Petitioners, referring to the letter dated 3.8.2010 (Annexure-10), written by the Deputy Commissioner, Ramgarh to the Principal Secretary, Road Construction Department, submitted that there was some difference in the requisition and the land falling under alignment, on which there was serious objections of the villagers but no decision has been taken in this regard. Referring to the Minutes of Meeting dated 6.9.2010, he submitted that the Deputy Commissioner, Ramgarh suggested change in proposed alignment in Kanke Bar village saying that the proposed alignment takes a U turn in the said village which instead can be straightened. Referring to the Map, he submitted that if the alignment is changed, several buildings including religious places, school, hospital etc. can be saved.

3. On the other hand, Mr. Prabhash Kumar, learned Counsel appearing for the National Highway Authority of India (N.H.A.I.), submitted that after the objection

of the villagers was forwarded by the Deputy Commissioner under the said letter dated 3.8.2010, the said meeting held on 6.9.2010 was attended by the Deputy Commissioner and the Secretary, Road Construction Department along with others. He further submitted that it is for the technical persons to decide whether change in alignment will be proper or not. He further submitted that it appears that in the proposed alignment, a gradual curve is aligned instead of comparatively sharp curve, keeping in view that the traffic flows at high speed on highway. He lastly submitted that the impugned order was passed after considering all relevant aspects of the matter. Relying on the order dated 14.2.2011, passed in WPC No. 6310 of 2010, he submitted that a similar writ petition was dismissed by this Court. He also relied on the order dated 5.10.2010, passed in W.P. (PIL) No. 4975 of 2010, which reads as follows:

5.10.2010 Heard the learned Counsel for the parties.

In this case, the Petitioner is espousing a cause whereby the National Highway Authority of India is constructing a road. Since the construction of national highway is a policy decision, it must have been taken up after due consideration. Therefore, in our view, we do not think that this Court is well advised to interfere with the policy decision. In that view of the matter, we are not inclined to entertain this writ petition by way of public interest litigation.

This writ petition is, accordingly, dismissed.

4. NHAI is the competent authority to decide which alignment is suitable and which is not. It appears from the impugned order that after considering the objections of the Petitioners and other villagers of Kanke Bar village, and the inspection done by the Chief General Manager (NHAI), it was held that the proposed alignment is most suitable. Accordingly, the objections of the Petitioners and other villagers were rejected, and It was decided that the lands in question, for which notification u/s 3(A) of the L.A. Act, has been issued, should be acquired, as it is necessary for construction of National Highway. The order is in public interest. Moreover the land losers will be paid compensation in accordance with law. It also appears that similar writ petition W.P.C. No. 6310 of 2010 inter alia, objecting to alignment was dismissed by this Court.

In the facts and circumstances of the case, I am not inclined to interfere with the impugned order. Accordingly, this writ petition is dismissed.