



2025:AHC:209031-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 23117 of 2025

Ameer Ahmad And 2 Others

.....Petitioner(s)

Versus

Union Of India And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Najakat Ali
Counsel for Respondent(s)	:	A.S.G.I., C.S.C., Pranjal Mehrotra

Court No. - 4

HON'BLE AJIT KUMAR, J.

HON'BLE SWARUPAMA CHATURVEDI, J.

1. Supplementary affidavit filed today is taken on record.
2. Heard Sri Mahavir Prasad, learned Advocate holding brief of Sri Najakat Ali, learned counsel for the petitioner, Sri Pranjal Mehrotra, learned counsel for the respondents no. 2, 3 and 5 and learned Standing Counsel for the State respondents.
3. By means of this petition filed under Article 226 of the Constitution petitioner has prayed for return of the land acquired under the National Highways Act for the reason that land was not utilized for the purpose of National Highway 87 Rampur to Kathgodam.
4. It is contended on behalf of the petitioner that unutilized land deserves to be returned to tenure holder inasmuch as, in view of the opinion expressed by the District Magistrate the land was bound to be recorded as was not utilized for the purpose it was acquired.
5. Per contra, it is argued by Sri Pranjal Mehrotra, learned counsel appearing for respondent-National Highways Authority that land once acquired under the National Highways Act, 1956 stands vested under Section 3D(2) of the said Act and there is no provision on the statute which empowers the tenure holders to get back his land even if it is not utilized. He submits that the general law of land acquisition or resumption of land would not be attracted in the matter of special acquisition under a Special Act. He further submits that the award has been finalized and now

the compensation is being disbursed and therefore, there is no question of return of the land. It is also contended on behalf of the NHAI by Sri Pranjal Mehrotra that the land is not necessarily utilized only for the purpose of constructing the highways but also for developing utilities sideways as well and also to lay down service lane and drainage. In the circumstances therefore, it is a highly misplaced argument, according to him, advanced by the petitioner that the land remain unutilized.

6. At this stage, counsel for the petitioner submits that no compensation has been awarded to the petitioner till date.

7. In the circumstances therefore, while we decline to grant relief in the nature of mandamus to the petitioner to get back his land acquired under the National Highways Act but we still provide that in the event petitioner has not been disbursed with the compensation under the award against the acquisition under the National Highways Act. 1956, the respondent no. 6 will take immediate steps to ensure that compensation stands paid to the petitioner under the award as expeditiously as possible preferably within a period of one month from the date of production of certified copy of this order.

8. The petition stands **disposed of** accordingly.

(Swarupama Chaturvedi,J.) (Ajit Kumar,J.)

November 20, 2025

Kirti