



2026:AHC:11757-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
WRIT - C No. - 15470 of 2025

Veena Singh
.....Petitioner(s)

Versus

Union of India and 3 others
.....Respondent(s)

Counsel for Petitioner(s)	: Komal Mehrotra, Prashant Mathur, Sr. Advocate
Counsel for Respondent(s)	: Devendra Kumar, Sunil Kumar Yadav, A.S.G.I., C.S.C., Rajesh Kumar Jaiswal, Swetashwa Agarwal

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Court No. - 21

**HON'BLE MAHESH CHANDRA TRIPATHI, J.
HON'BLE KUNAL RAVI SINGH, J.**

(Per: Mahesh Chandra Tripathi, J.)

1. Heard Shri Shashi Nandan, learned Senior Counsel assisted by Shri Komal Mehrotra and Shri Eshaan Chandra, learned counsels for the petitioner, Shri Rajesh Kumar Jaiswal, learned counsel for the respondent No.1 - Union of India, Sri Devesh Vikram, learned Additional Chief Standing Counsel and Ms. Uttara Bahuguna, learned Additional Chief Standing Counsel, both for the State-respondents, and Shri M.C.Chaturvedi, learned Senior Counsel assisted by Sri Devendra Kumar, learned counsel for the respondent Nos. 2 and 3 – National Highway Authority of India¹.

1.1. With the consent of the parties, this writ petition is being decided at the admission stage.

A. PRAYER:

2. This writ petition has been preferred praying for the following relief:

- “i. Issue a writ, order or direction in the nature of Certiorari quashing the Notification No. S.O. 2686(E) dated 10.07.2024(ANNEXURE NO. 1) issued by the Ministry of Road, Transport & Highways/Respondent No.1 under section 3D(2) of the national Highways Act, 1956, in respect of the land of the petitioner i.e. Gata/Plot No. 27 situated in Village - Kurana, District – Aligarh;*
- ii. Issue a writ, order or direction in the nature of Certiorari quashing the Award dated 15.02.2025 (ANNEXURE NO. 2) passed by the Respondent No.4-Competent Authority/Additional District Magistrate (Administration), District Aligarh, in respect of the land of the petitioner i.e. Gata/Plot No. 27 situated in Village Kurana, District – Aligarh;*
- iii. Issue a writ, order or direction in the nature of Mandamus directing the Respondents not to demolish and dispossess the petitioner from Gata/Plot No. 27, situated in Village - Kurana, District - Aligarh;”*

¹ NHAI

B. FACTS OF THE CASE:-

3. It reflects from the records that on 06.02.2024, the Central Government, in exercise of powers conferred under Section 3A(1) of the National Highways Act, 1956², issued Notification S.O. 558(E), published in the Gazette of India, Extraordinary, Part-II, declaring its intention to acquire land for a public purpose, namely, for building, widening/four-laning/six-laning, maintenance, management and operation of National Highway No. NH-334(D) in the stretch from Km. 0.000 to Km. 58.600, known as the Aligarh–Palwal Section, situated in District Aligarh, State of Uttar Pradesh. The notification contained a brief description of the land proposed to be acquired as detailed in the Schedule appended thereto. In the said notification, the plot in question, namely Gata No. 27, finds place at Serial No. 681, and an area measuring 0.8348 hectares of the said plot was proposed to be acquired. It further invited objections from persons interested in the said land under Section 3C(1) of the Act, 1956 within twenty-one days from the date of publication of the notification in the Official Gazette. Such objections were required to be submitted in writing to the Competent Authority, namely, the Additional District Magistrate (Administration), Aligarh, who was empowered to afford an opportunity of hearing to the objectors, either in person or through a legal practitioner, and thereafter to pass orders allowing or disallowing the objections. The notification also clarified that the orders passed by the Competent Authority under Section 3C(2) of the Act, 1956 would be final and that the land plans and other acquisition details were available for inspection in the office of the Competent Authority.

3.1. Pursuant thereto, the substance of the aforesaid notification dated 06.02.2024 was published, as required under Section 3A(3) of the Act, 1956, in two widely circulated newspapers, namely, "The Times of India" (English) and "Navbharat Times" (Hindi), both dated 10.02.2024. Objections received from interested persons under Section 3C of the Act,

2 The Act, 1956

1956 were duly considered by the Competent Authority and, after affording an opportunity of hearing, were disposed of in accordance with law. Thereafter, in compliance with Section 3D(1) of the Act, 1956, the Competent Authority submitted its report to the Central Government. Upon receipt of the said report, the Central Government issued Notification S.O. 1221(E) dated 11.03.2024 under Section 3D(1) of the Act, 1956, declaring that the land specified in the Schedule annexed to the earlier notification was required to be acquired for the aforesaid public purpose. In the said notification, the plot in question, namely Gata No. 27, finds place at Serial No. 582, and an area measuring 0.3460 hectares of the said plot was declared to be acquired. By the same notification, and in exercise of powers under Section 3D(2) of the Act, 1956 it was further declared that upon publication of the notification in the Official Gazette, the land so specified stood vested absolutely in the Central Government, free from all encumbrances.

3.2. Subsequently, the Central Government issued Notification S.O. 2686(E) dated 10.07.2024, reiterating the acquisition process initiated by Notification S.O. 558(E) dated 06.02.2024, including publication of the substance thereof in the aforesaid newspapers, consideration and disposal of objections under Section 3C, and submission of the report by the Competent Authority under Section 3D(1) of the Act, 1956. By the said notification dated 10.07.2024, the Central Government again declared, in exercise of powers under Section 3D(1) of the Act, 1956, that the land specified in the Schedule was required to be acquired for building, widening/four-laning/six-laning, maintenance, management and operation of NH-334(D) from Km. 0.000 to Km. 58.600 (Aligarh–Palwal Section) in District Aligarh, Uttar Pradesh, and further declared under Section 3D(2) of the Act, 1956 that upon publication of the notification in the Official Gazette, the said land stood vested absolutely in the Central Government, free from all encumbrances. In the said notification, the plot in question, namely Gata No. 27, finds place at Serial No. 70, and an area measuring 0.3167 hectares of the said plot was declared to be acquired. Thereafter, the respondents proceeded to

determine compensation, and an award dated 15.02.2025 was passed, treating the petitioner's land as agricultural land.

3.3. Aggrieved by Notification No. S.O. 2686(E) dated 10.07.2024, issued under Section 3D of the Act, 1956, and the award dated 15.02.2025 passed by the Competent Authority, namely, the Additional District Magistrate (Administration), District Aligarh, relating to Gata/Plot No. 27, Village Kurana, District Aligarh, part of which belongs to the petitioner, the present writ petition has been filed.

C. SUBMISSIONS ON BEHALF OF PETITIONER:

4. Shri Shashi Nandan, learned Senior Counsel appearing for the petitioner, submitted that the entire acquisition proceedings, insofar as they relate to the petitioner's land, are vitiated by illegality, arbitrariness, and complete non-compliance with the mandatory provisions of the Act, 1956.

4.1. The petitioner, Veena Singh, is the lawful owner of part of Gata/Plot No. 27, situated in Village Kurana, District Aligarh, measuring approximately 0.1191 hectares. She purchased the said land through a registered sale deed dated 29.05.2017. After purchase, the petitioner applied for conversion of land use from agricultural to commercial under Section 80(1) of the Uttar Pradesh Revenue Code, 2006 on 15.02.2021. The said application for land use conversion is still pending before the concerned authorities and has not been decided till date.

4.2. He submitted that In the year 2021, the petitioner raised construction over the aforesaid plot, which was completed in the year 2023. The construction consists of a hotel-cum-restaurant building. The hotel constructed on the land is being run by the petitioner's son, Digvijay Singh, under the name and style of "Hotel Orchid Cherry."

4.3. At the outset, learned Senior Counsel contended that issuance of the second notification dated 10.07.2024 under Section 3D of the Act, 1956 is wholly without jurisdiction. Once a notification under Section 3A is

issued declaring the intention to acquire land, and thereafter a declaration under Section 3D is made, the respondents cannot issue another Section 3D notification without first issuing a fresh Section 3A notification. In the present case, the alignment of the highway was changed arbitrarily, several plots were deleted, new plots were added, and areas of various plots were altered. Such substantial changes mandatorily required a fresh notification under Section 3A, followed by an opportunity to file objections under Section 3C. Bypassing this statutory procedure renders the second Section 3D notification illegal.

4.4. Learned Senior Counsel further argued that the petitioner was completely denied her right of objection under Section 3C of the Act, 1956. No notice was issued, and no hearing was granted before including the entire land of the petitioner in the second Section 3D notification. This action is in gross violation of principles of natural justice.

4.5. It was next submitted that even at the stage of determination of compensation, the respondents acted in blatant disregard of Section 3G(3) of the Act, 1956. The said provision mandates publication of a public notice in two local newspapers, one of which must be in vernacular language, inviting claims from all interested persons before determining compensation. In the present case, no such notice was ever published. The petitioner was never informed about the proposed valuation, nor was she given an opportunity to place material regarding the commercial nature of the land and the existing hotel structure.

4.6. Learned Senior Counsel emphasised that the award dated 15.02.2025 is therefore void, as it has been passed without following mandatory statutory requirements. The respondents wrongly treated the petitioner's land as agricultural, despite clear evidence that a hotel-cum-restaurant was constructed and operational on the land. An order dated 23.11.2021 passed by the Collector, Aligarh under the Stamp Act, 1908 had already recognised the non-agricultural nature of the land, which was deliberately ignored.

4.7. It was further argued that the award fails to consider the severe prejudice caused to the petitioner and her family. The hotel is the sole source of livelihood of the petitioner's son, and the entire family depends upon it. The respondents, being instrumentalities of the State under Article 12 of the Constitution, are bound to act fairly, reasonably, and non-arbitrarily. Their actions violate Article 14 of the Constitution of India.

4.8. Learned Senior Counsel placed reliance on the judgment of this Court dated 06.09.2019 passed in (**Anurag Srivastava and 2 Others vs. National Highway Authority of India Through Its Chairman and 2 Others**)³ and submits that in the said case, it was held that publication of notice under Section 3G(3) is mandatory and cannot be dispensed with. Failure to follow the three-stage statutory scheme under Sections 3A, 3D, and 3G vitiates the acquisition proceedings. He has also placed reliance upon the judgment of Hon'ble Supreme Court in **State of Madhya Pradesh and others vs. Vishnu Prasad Sharma**⁴.

4.9. Lastly, learned Senior Counsel submitted that both the impugned second Section 3D notification dated 10.07.2024 and the award dated 15.02.2025 deserve to be quashed. The respondents must be directed to act strictly in accordance with law, after giving due notice, hearing, and fair compensation to the petitioner.

D. SUBMISSIONS ON BEHALF OF THE RESPONDENTS :-

5. Shri M.C. Chaturvedi, learned Senior Counsel appearing for respondent Nos. 2 and 3, namely the National Highways Authority of India, submitted that the present writ petition is wholly misconceived, devoid of merit, and is liable to be dismissed at the threshold. It was contended that the entire acquisition proceedings have been carried out strictly in accordance with the provisions of the Act, 1956, and there has

³ WRIT-C No. 107 of 2019

⁴ AIR 1966 SC 1593

been no illegality, arbitrariness, or procedural lapse at any stage of the acquisition process.

5.1. Learned Senior Counsel submitted that NHAI is a statutory authority constituted under the National Highways Authority of India Act, 1988, and is entrusted with the responsibility of development, construction, maintenance, management, and operation of National Highways across the country. The projects undertaken by NHAI are of national importance and are conceived in public interest, keeping in view the rapid socio-economic development of the country, increased vehicular traffic, and the need for safe, efficient, and obstruction-free transportation corridors. The present project of widening and four-laning of National Highway No. 334D (Aligarh–Palwal Section) is one such vital infrastructure project intended to ease congestion, reduce travel time, save fuel, and promote economic activity in the region.

5.2. It was further submitted that a Detailed Project Report (DPR) and Land Acquisition Plan (LAP) were prepared after due technical surveys, feasibility studies, and approval by the competent authorities. The alignment of the highway was finalized much prior to the initiation of land acquisition proceedings and has remained unchanged throughout. The allegation of the petitioner that the alignment has been altered to target a particular property is completely false, baseless, and unsupported by any material on record.

5.3. Learned Senior Counsel drew the attention of the Court to the fact that the Central Government, through the Ministry of Road Transport and Highways, issued a notification dated 06.02.2024 under Section 3A(1) of the Act, 1956, expressing its intention to acquire land for the purpose of widening and four-laning of NH-334D. The substance of the said notification was duly published in two widely circulated newspapers, namely "Navbharat Times" and "Times of India," on 10.02.2024. All affected landowners, including the petitioner, were granted the statutory opportunity to file objections under Section 3C of the Act within 21 days. Despite such due publication and opportunity, no

objections were filed by the petitioner or other concerned landowners within the prescribed period.

5.4. It was emphasized that after completion of the statutory objection stage, the acquisition process proceeded further. During the course of survey and spot inspection in village Kurana, Tehsil Khair, District Aligarh, certain landowners, including those associated with Hotel Orchid Cherry, did not permit the survey team to carry out measurements and inspection of the affected land and structures. Due to this non-cooperation and resistance, approximately 700 meters of affected land could not be surveyed at that stage. Consequently, while issuing the declaration under Section 3D(1) on 11.03.2024, only such land could be notified which had been properly surveyed, including 0.346 hectare from disputed Gata No. 27.

5.5. Learned Senior Counsel clarified that this was not a case of selective acquisition or change in alignment, but a practical administrative necessity arising solely due to the obstruction created by the concerned landowners. After intervention and assistance of the district administration, the survey of the remaining affected land was completed. Thereafter, a further declaration under Section 3D(1) was issued on 10.07.2024 for the remaining affected land measuring 0.3167 hectare of the disputed Gata No. 27, which was left on the first notification under Section 3D(1). Both notifications formed part of the same acquisition proceedings and related to the same project and alignment.

5.6. Learned Senior Counsel strongly argued that once a declaration under Section 3D(1) is published, the land vests absolutely in the Central Government free from all encumbrances, as provided under Section 3D(2) of the Act, 1956. Moreover, Section 3D(4) clearly bars any challenge to such declaration before any court or authority.

5.7. Learned Senior Counsel further submitted that after completion of all statutory formalities, including issuance of notice under Section 3G(3), consideration of the claims, and assessment of the land and structures, the Competent Authority passed an award dated 15.02.2025

in respect of Gata No. 27 measuring 0.6627 hectare, situated in Village Kurana, District Aligarh. The compensation awarded covers both the land and the structures, notwithstanding the fact that the land in question continued to be recorded as agricultural land and no declaration had been issued by any competent authority declaring it as non-agricultural under Section 80 of the U.P. Revenue Code, 2006. The compensation for both land and construction has been determined in accordance with the applicable rules and prevailing rates. The NHAI has already deposited the entire compensation amount with the Competent Authority, and more than 60% of the awarded compensation has already been disbursed to the affected landowners.

5.8. It was submitted that if the petitioner is aggrieved by the quantum of compensation, the Act, 1956 itself provides an effective alternative statutory remedy by way of arbitration under Section 3G(5). Without availing this remedy, the petitioner has directly approached this Court under Article 226, which is impermissible. The writ petition, therefore, is barred due to availability of an efficacious alternative remedy.

5.9. Learned Senior Counsel also referred to the proceedings before the National SC/ST Commission, where similar allegations of change of alignment were raised by the husband of the petitioner. NHAI filed a detailed reply denying all allegations. After examining the record and hearing the parties, the Commission dismissed the complaint vide order dated 16.10.2024. This fact clearly demonstrates that the petitioner is repeatedly raising the same unfounded allegations before different forums, with deliberate design to derail the NHAI project.

5.10. It was further contended that NHAI has repeatedly responded to representations made by the petitioner, clearly informing her that there has been no change in alignment and that there is no provision under law to de-notify land once it has vested in the Central Government. The petitioner has been fully informed that the project is being executed strictly as per the approved DPR/LAP and that individual convenience

cannot override public interest and technical requirements of a national highway project.

5.11. Learned Senior Counsel emphasized that infrastructure projects of this magnitude involve huge public investment and are bound by strict timelines. Any delay caused by obstruction, protest, or non-cooperation of landowners leads to escalation of costs and affects public interest at large. The law, therefore, provides a streamlined acquisition process under the Act, 1956 distinct from the general land acquisition law, to ensure timely completion of such projects.

5.12. It was also pointed out that the petitioner was duly informed to cooperate in inspection and valuation of structures but failed to do so in time. Despite this, the Competent Authority proceeded in accordance with available records and material to pass the award. The award itself records that all claims and objections received were duly considered.

5.13. In support of his submissions, learned Senior Counsel had placed reliance upon the following judgments:

(i) judgment dated 19.12.2016 passed by a Division Bench in **Church of North India Trust Association vs. Union of India and 3 others**⁵,

(ii) judgment dated 24.08.2017 passed in **Himanshu Kumar and Another vs. Union of India and 3 Others**⁶,

(iii) judgment dated 28.01.2022 passed in **Pramod Kumar Gupta and others vs. National Highways Authority of India and others**⁷,

(iv) judgment dated 08.04.2025 passed in **Brikesh Kumar Pathak vs. General Manager (East Uttar Pradesh) National State Highway and 3 Others**⁸,

(v) the judgment of Supreme Court in **Union of India vs. Kushala Shetty and others**⁹,

5 Writ-C No.56316 of 2016

6 WRIT-C No. 38328 of 2017

7 Writ-C No.1279 of 2022

8 WRIT-C No. 7391 of 2025

9 (2011) 12 SCC 69

(vi) the judgment dated 08.12.2020 passed by the Supreme Court in **The Project Director, Project Implementation Unit vs. P.V. Krishnamoorthy and others**¹⁰.

5.14. Learned Senior Counsel submitted that reliance placed by learned counsel for the petitioner in the case of **Vishnu Prasad Sharma (supra)** is misplaced as the said judgment was passed in a land acquisition matter relating to Land Acquisition Act, 1894¹¹, however, the instant matter relates to Act, 1956. He further submits that after the said judgment, an amendment was made on 12.04.1967 in Section 6 of the Act, 1894 providing that different declarations may be made from time to time in respect of sub-Section (1) of the Act, 1894, irrespective of whether one report or different reports has or have been made (wherever required) under Section 5A, sub-section (2).

5.15. Learned Senior Counsel concluded by submitting that the allegations of malafide, arbitrariness, and change of alignment are imaginary and unsupported by any evidence. The acquisition proceedings are legal, transparent, and in strict compliance with statutory provisions. The land has vested in the Central Government, compensation has been determined and deposited, and an alternative remedy is available to the petitioner. The writ petition is, therefore, an abuse of the process of law and deserves to be dismissed with costs.

E. DISCUSSION AND FINDINGS:-

6. We have heard the rival submissions of learned counsels for the parties at length and carefully perused the record.

6.1. Legislative Framework

6.1.1. Before delving into the merits of the case, it is essential to understand the legislative framework governing land acquisition for national highway projects. The Act, 1956 was enacted by Parliament to provide for the declaration of certain highways as national highways and

¹⁰ Civil Appeal Nos.3976-3977 of 2010

¹¹ The Act, 1894

for matters connected therewith. Sections 3A to 3I of the Act, 1956 contain a comprehensive scheme for the acquisition of land for the building, maintenance, management or operation of a national highway or part thereof and determination of amount payable as compensation and other related issues.

6.1.2. Sections 3A, 3B, 3C, 3D and 3G of the Act, 1956, which have bearing on this case, read as under:

“3A. Power to acquire land, etc.—(1) Where the Central Government is satisfied that **for a public purpose any land is required** for the building, maintenance, **management or operation of a national highway** or part thereof, it may, by notification in the Official Gazette, **declare its intention to acquire such land.**

(2) Every notification under sub-section (1) shall give a brief description of the land.

(3) The competent authority shall cause the substance of the notification to be published in two local newspapers, one of which will be in a vernacular language.

3B. Power to enter for survey, etc.—On the issue of a notification under sub-section (1) of section 3A, it shall be lawful for any person, authorised by the Central Government in this behalf, to—

(a) make any inspection, survey, measurement, valuation or enquiry;

(b) take levels;

(c) dig or bore into sub-soil;

(d) set out boundaries and intended lines of work;

(e) mark such levels, boundaries and lines placing marks and cutting trenches; or

(f) do such other acts or things as may be laid down by rules made in this behalf by that Government.

3C. Hearing of objections.—(1) Any person interested in the land may, **within twenty-one days from the date of publication of the notification under sub-section (1) of section 3A, object to the use of the land** for the purpose or purposes mentioned in that sub-section.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing and shall set out the grounds thereof and the competent authority shall give the objector an opportunity of being heard, either in person or by a legal practitioner, and may, after hearing all such objections and after making such further enquiry, it any, as the competent authority thinks necessary, by order, either allow or disallow the objections.

*Explanation.—*For the purposes of this sub-section, “legal practitioner” has the same meaning as in clause (i) of sub-section (1) of section 2 of the Advocates Act, 1961 (25 of 1961).

(3) Any order made by the competent authority under sub-section (2) shall be final.

3D. Declaration of acquisition.—(1) **Where no objection under sub-section (1) of section 3C has been made to the competent authority within the**

period specified therein or where the competent authority has disallowed the objection under sub-section (2) of that section, **the competent authority shall, as soon as may be, submit a report accordingly to the Central Government and on receipt of such report,** the Central Government shall declare, by notification in the Official Gazette, that **the land should be acquired for the purpose or purposes mentioned in sub-section (1) of section 3A.**

(2) On the publication of the declaration under sub-section (1), the land shall vest absolutely in the Central Government free from all encumbrances.

(3) Where in respect of any land, a notification has been published under sub-section (1) of section 3A for its acquisition but no declaration under sub-section (1) has been published within a period of one year from the date of publication of that notification, the said notification shall cease to have any effect:

Provided that **in computing the said period of one year, the period or periods during which any action or proceedings to be taken in pursuance of the notification issued under sub-section (1) of section 3A** is stayed by an order of a court shall be excluded.

(4) A declaration made by the Central Government under sub-section (1) shall not be called in question in any court or by any other authority.

3G. Determination of amount payable as compensation.—(1) Where any land is acquired under this Act, there shall be paid an amount which shall be determined by an order of the competent authority.

(2) Where the right of user or any right in the nature of an easement on, any land is acquired under this Act, there shall be paid an amount to the owner and any other person whose right of enjoyment in that land has been affected in any manner whatsoever by reason of such acquisition an amount calculated at ten per cent, of the amount determined under sub-section (1), for that land.

(3) Before proceeding to determine the amount under sub-section (1) or sub-section (2), the competent authority shall give a public notice published in two local newspapers, one of which will be in a vernacular language inviting claims from all persons interested in the land to be acquired.

(4) Such notice shall state the particulars of the land and shall require all persons interested in such land to appear in person or by an agent or by a legal practitioner referred to in sub-section (2) of section 3C, before the competent authority, at a time and place and to state the nature of their respective interest in such land.

(5) If the amount determined by the competent authority under sub-section (1) or sub-section (2) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government--

(6) Subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to every arbitration under this Act.

(7) The competent authority or the arbitrator while determining the amount under sub-section (1) or sub-section (5), as the case may be, shall take into consideration—

(a) the market value of the land on the date of publication of the notification under section 3A;

(b) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the severing of such land from other land;

(c) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other immovable property in any manner, or his earnings;

(d) if, in consequences of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.”

(Emphasis supplied)

6.1.3. The scheme of acquisition enshrined in the above reproduced provisions makes it clear that once the Central Government is satisfied that any land is required for the building, maintenance, management or operation of a national highway or part thereof, then, it shall declare its intention to acquire such land by issuing a notification in the official Gazette giving brief description of the land. The substance of the notification is also required to be published in two local newspapers of which one has to be in a vernacular language. Any person interested in the land can file objection within 21 days from the date of publication of the notification in the official Gazette. Such objection is required to be made to the Competent Authority in writing. Thereafter, the Competent Authority is required to give the objector an opportunity of hearing either in person or through a legal practitioner. This exercise is to be followed by an order of the Competent Authority either allowing or rejecting the objections.

6.1.4. Where no objection is made to the Competent Authority in terms of Section 3C(1) or where the objections made by the interested persons have been disallowed, the Competent Authority is required to submit a report to the Central Government, which shall then issue a notification in the official Gazette that the land should be acquired for the purpose or purposes mentioned in Section 3A(1). On publication of declaration under Section 3D(1), the land vests absolutely in the Central Government free from all encumbrances. Sub-section (3) of Section 3D provides that where no declaration under sub-section (1) is published within a period of one year from the date of publication of notification under Section 3A(1), the said notification shall cease to have any effect.

By virtue of proviso to Section 3D(3), the period during which any action or proceeding taken in pursuance of notification issued under Section 3A(1) remains stayed by a Court shall be excluded while computing the period of one year specified in Section 3D(3).

6.2. Analysis of the First Contention: Validity of Second Section 3D Notification

6.2.1. The primary contention raised by the learned Senior Counsel for the petitioner is that the issuance of the second notification dated 10.07.2024 under Section 3D of the Act, 1956 is wholly without jurisdiction. According to the petitioner, once a notification under Section 3A is issued followed by a declaration under Section 3D, the respondents cannot issue another Section 3D notification without first issuing a fresh Section 3A notification, particularly when there has been an alleged change in alignment and variation in the area of land proposed to be acquired.

6.2.2. We have carefully considered this submission and find that it is not tenable in law. The material on record clearly demonstrates that there has been no change in the alignment of the highway. The Detailed Project Report and Land Acquisition Plan were finalized before the commencement of acquisition proceedings, and the alignment has remained consistent throughout the process. The issuance of two Section 3D notifications was necessitated purely by administrative exigencies arising from the obstruction and non-cooperation of certain landowners, including the petitioner, during the survey operations.

6.2.3. It is an admitted position that when the survey team attempted to carry out measurements and inspection of the affected land and structures in village Kurana, they were prevented from doing so by the concerned landowners. Due to this resistance, approximately 700 meters of affected land could not be surveyed at the relevant time. Consequently, the first declaration under Section 3D(1) dated 11.03.2024 could only cover the land that had been properly surveyed, which included 0.346 hectare from disputed Gata No. 27.

6.2.4. Subsequently, after intervention by the district administration and completion of the remaining survey, a further declaration under Section 3D(1) was issued on 10.07.2024 covering the remaining affected land measuring 0.3167 hectare of disputed Gata No. 27. Both notifications formed part of the same acquisition proceedings, related to the same project, and pertained to the identical public purpose under Section 3A(1) of the Act, 1956. There is no material on record to suggest any deviation from the original plan or any mala fide intention to target a particular property.

6.2.5. The contention that the alignment was changed or that the petitioner's property was specifically targeted is also conclusively disproved by a simple mathematical comparison of the areas proposed to be acquired and actually acquired. In the initial notification under Section 3A(1) dated 06.02.2024, the total area proposed to be acquired from Gata No. 27 was 0.8348 hectares. Subsequently, by the first declaration under Section 3D(1) dated 11.03.2024, an area of 0.3460 of the disputed Gata No.27 hectares was acquired, and by the second declaration under Section 3D(1) dated 10.07.2024, an area of 0.3167 hectares of the disputed Gata No.27 was acquired. Thus, the total area actually acquired by both notifications is $0.3460 + 0.3167 = 0.6627$ hectares. It is evident that the total area actually acquired (0.6627 hectares) is substantially less than the area originally proposed to be acquired (0.8348 hectares) by approximately 0.1721 hectares. Had there been any change in alignment or any mala fide intention to target the petitioner's property, the area acquired would have either remained the same or increased. The fact that a lesser area has ultimately been acquired from the petitioner's plot clearly demonstrates that there has been no deviation from the original plan and no targeting of the petitioner's property. On the contrary, it shows that after proper survey and technical assessment, a reduced area was found sufficient for the project requirements. This factual position completely negates the petitioner's allegation of change of alignment or mala fide acquisition.

6.2.6. The reliance placed by the learned Senior Counsel for the petitioner on the judgment of the Hon'ble Supreme Court in **Vishnu**

Prasad Sharma (supra), is misplaced for multiple reasons. That judgment was rendered in the context of the Act, 1894, and dealt with the question whether successive declarations under Section 6 could be issued following a single notification under Section 4(1). The Hon'ble Supreme Court held that the scheme of Sections 4, 5A and 6 of the Act, 1894 contemplated only one declaration under Section 6 following one notification under Section 4(1). However, the said judgment has no application on the present case which is governed by an entirely different statutory framework, namely the Act, 1956.

6.2.7. Moreover, even under the Act, 1894, the legal position underwent a significant change after the said judgment. As rightly pointed out by the learned Senior Counsel for the respondents, Section 6 of the Act, 1894 was amended on 12.04.1967 by inserting Sub-section (4), which expressly provided that different declarations may be made from time to time in respect of different parcels of land covered by the same notification under Section 4(1), irrespective of whether one report or different reports have been made under Section 5A(2). This amendment was made precisely to overcome the legal impediment created by the judgment in **Vishnu Prasad Sharma's** case. **Thus, even the ratio of Vishnu Prasad Sharma's case does not hold good in respect of the Act, 1894 after the 1967 amendment.**

6.2.8. The present case is governed by the Act, 1956, which is a special statute enacted specifically for acquisition of land for national highway projects. The provisions of the Act, 1956 are materially different from those of the Act, 1894. Section 3D of the Act, 1956 does not contain any prohibition against issuance of successive declarations under Section 3D(1) following a single notification under Section 3A(1), particularly in circumstances where practical difficulties have prevented completion of survey of all affected land in one go.

6.2.9. The ratio of judgments rendered under the Act, 1894 cannot be mechanically applied to acquisition proceedings under the Act, 1956 without considering the distinct features, objectives, and express

statutory provisions of the latter enactment. In the present case, there is no provision in the Act, 1956 which prohibits the issuance of successive declarations under Section 3D(1) following a single notification under Section 3A(1), and in the absence of any such prohibition, and particularly in circumstances of administrative necessity arising from obstruction by landowners themselves, such successive declarations cannot be held to be illegal or without jurisdiction.

6.2.10. In the present case, the initial notification under Section 3A(1) dated 06.02.2024 clearly covered the entire stretch of land proposed to be acquired, including the petitioner's land. The substance of the said notification was duly published in two newspapers on 10.02.2024. All affected landowners, including the petitioner, were granted statutory opportunity to file objections under Section 3C within 21 days. Despite such due publication and opportunity, no objections were filed by the petitioner within the prescribed period.

6.2.11. The subsequent issuance of two Section 3D notifications on different dates was a practical necessity arising from the conduct of the landowners themselves. The land could not be surveyed due to obstruction. To avoid further delay in the project, the authorities proceeded to issue the first declaration in respect of the land that had been surveyed, and thereafter issued the second declaration after completing the remaining survey. Both declarations were issued within one year from the date of publication of the Section 3A notification, as mandated by Section 3D(3) of the Act, 1956.

6.2.12. We find no legal bar in the Act, 1956 against issuance of successive declarations under Section 3D(1) in such circumstances wherein total land is already notified in the Section 3A(1). The petitioner cannot be permitted to take advantage of her own wrong. Having obstructed the survey process, she cannot now turn around and claim that the subsequent notification is illegal. The doctrine of approbate and reprobate prevents a party from taking inconsistent positions to the prejudice of another.

6.2.13. It would be noteworthy to point out that the notification under section 3A(1) of the Act, 1956 covered an area of 0.8348 hectare out of which only 0.346 hectares was sought to be acquired under the first notification under Section 3D(1) for the reasons explained above. The second notification under Section 3D(1) was for an area of 0.3167 hectare only. Thus, at no point of time an area more than that already notified under Section 3A(1) ever sought to be acquired. In fact under both the notifications under Section 3D(1), a lesser total area than what was notified under Section 3A(1) was acquired. Unless by categorical pleadings it could be demonstrated and established that an area larger than the area notified under Section 3A(1) was acquired, the authorities would be within the law to issue a second notification under Section 3D(1) within the prescribed period of limitation. Since it is not the case of the petitioner that a larger area of land as notified under Section 3A(1) was acquired, therefore the Second 3D(1) notification published within the prescribed time period is justified.

6.3. Analysis of the Second Contention: Alleged Denial of Opportunity Under Section 3C

6.3.1. The second major contention raised by the learned Senior Counsel for the petitioner is that the petitioner was completely denied her right of objection under Section 3C of the Act, 1956. It is argued that no notice was issued and no hearing was granted before including the petitioner's land in the second Section 3D notification.

6.3.2. We are unable to accept this submission. The record clearly establishes that a notification under Section 3A(1) was issued on 06.02.2024, and the substance thereof was published in two widely circulated newspapers, namely "Navbharat Times" and "Times of India," on 10.02.2024. The notification specifically invited objections from persons interested in the land under Section 3C(1) of the Act, 1956 within twenty-one days from the date of publication in the Official Gazette. The petitioner's land, namely Gata No. 27, was clearly mentioned in the Schedule appended to the said notification.

6.3.3. Despite such publication and opportunity, the petitioner did not file any objection within the statutory period of 21 days. The right to file objections under Section 3C is available only within the prescribed period. Once that period expires, the right to object is lost. This is the clear mandate of Section 3C(1) read with Section 3C(2) of the Act, 1956.

6.3.4. The Hon'ble Supreme Court in **Kushala Shetty and others (supra)**, has categorically held that objections filed beyond the prescribed period under Section 3C(1) do not require consideration by the Competent Authority. The Court observed that the right to object under Section 3C is very limited and extends only to the use of land for a purpose other than that specified under Section 3A(1). If no objection is filed within time, the Competent Authority is obliged to submit its report to the Central Government recommending issuance of declaration under Section 3D(1). The relevant portion of **Kushala Shetty** is reproduced below:-

*“ 22.Of course, a grievance of this score was made in the objections dated 16.10.2006 filed by some of the land owners of Padavu Village, but **that was clearly an afterthought and, in any case, the same did not require consideration because of non- adherence to the time schedule specified in Section 3C(1) of the 1956 Act.**”*

(Emphasis supplied)

6.3.5. The Supreme Court in the case of **Competent Authority vs. Barangore Jute Factory and others**¹² also observed that Section 3-C (1) of the Act gives a very limited right to object. The objection can only be to the use of the land under acquisition for purposes other than mentioned in Section 3A (1) of the Act and it does not confer right to object to the acquisition. The relevant portion is reproduced below:-

"We would, however, like to add that unlike Section 5-A of the Land Acquisition Act, 1894 which confers a general right to object to acquisition of land under Section 4 of the said Act, Section 3-C(1) of the National Highways Act gives a very limited right to object. The objection can be only to the use of the land under acquisition for purpose other than those under Section 3-A(1). The Act confers no right to object to acquisition as such. This answers the argument advanced by the learned counsel for NHAI that failure to file objections disentitles the writ petitioners to object to the acquisition. The Act confers no general right to object, therefore, failure to object becomes irrelevant. The learned counsel relied on the judgment of this

12 (2005) 13 SCC 477

*Court in **Delhi Admn. V. Gurdip Singh Urban, (1999) 7 SCC 44.** In our view, this judgment has no application in the facts of the present case where the right to object is a very limited right. The case cited is a case under the Land Acquisition Act, 1894 which confers a general right to object to acquisition of land under Section 5-A. Failure to exercise that right could be said to be acquiescence. The National Highways Act confers no such right. **Under this Act there is no right to object to acquisition of land except on the question of its user....."***

(Emphasis Supplied)

6.3.6. Similarly, in the judgment dated 24.08.2017 passed by this Court in **Himanshu Kumar and Another vs. Union of India and 3 Others** in Writ-C No. 38328 of 2017, it was held that objections filed beyond the statutory period under Section 3C(1) do not require consideration. The Court further held that the right to object under Section 3C is very limited and extends only to questioning the public purpose, and not to matters such as quantum of land acquired or alignment of the highway, which are technical matters within the domain of experts.

6.3.7. In the present case, the petitioner had full knowledge of the proposed acquisition as her land was specifically mentioned in the Schedule to the Section 3A notification published in February 2024. She chose not to file any objection at that stage. Having failed to avail the statutory remedy of objection under Section 3C within the prescribed period, she cannot now be heard to complain that she was denied an opportunity.

6.3.8. Moreover, it is important to note that the petitioner and her family members actively obstructed the survey process. Such conduct clearly demonstrates that they were fully aware of the acquisition proceedings. They cannot now take shelter under the plea of denial of opportunity when they themselves prevented the authorities from completing the statutory formalities.

6.3.9. The judgment relied upon by learned Senior Counsel for the petitioner in **Anurag Srivastava (supra)**, is clearly distinguishable on facts and does not render any assistance to the petitioner. In the said case, this Court recorded a categorical and admitted position that **no notice under Section 3G(3) of the Act, 1956 had ever been issued**, and

that the authorities had sought to justify the award by treating a notification under Section 3D as a notice under Section 3G(3), which was expressly rejected by the Court. It was in that background of admitted statutory non-compliance, evasive pleadings and absence of any corrigendum, that the award was set aside for violation of principles of natural justice. In the present case, however, the record reflects that the procedure prescribed under Section 3G(3) has been followed and the petitioner was not deprived of the statutory opportunity contemplated therein. The challenge raised herein, therefore, does not arise from a case of complete absence of notice or denial of opportunity, but relates to the adequacy or correctness of determination, for which the statute itself provides a separate remedial mechanism. Consequently, the ratio of the judgment in *Anurag Srivastava* (supra), which turned on its own peculiar facts of total non-compliance, has no application to the facts of the present case.

6.4. Analysis of the Third Contention: Non-Compliance with Section 3G(3)

6.4.1. The learned Senior Counsel appearing for the petitioner has vehemently argued that the respondents acted in blatant disregard of Section 3G(3) of the Act, 1956, which mandates publication of a public notice in two local newspapers inviting claims from interested persons before determining compensation. It is contended that no such notice was published, and consequently, the award dated 15.02.2025 is void.

6.4.2. We have carefully examined the record and find that this contention also lacks merit. Section 3G(3) of the Act, 1956 provides that the Competent Authority shall publish a notice in two local newspapers, one in vernacular language, requiring persons interested in the land to appear before it on the date and time specified in the notice to prefer their claims to compensation. While it is true that compliance with this provision is mandatory, the question is whether non-compliance, if any, would vitiate the entire award or whether it would only affect the petitioner's right to claim enhanced compensation.

6.4.3. The object of Section 3G(3) is to ensure that all interested persons are given an opportunity to submit their claims regarding compensation, including claims for valuation of land, structures, trees, and other assets, as well as claims for rehabilitation and other benefits. However, it is equally well-settled that procedural lapses in the determination of compensation do not affect the validity of the acquisition itself once the land has vested in the Central Government under Section 3D(2) of the Act, 1956.

6.4.4. Section 3D(4) of the Act, 1956 categorically bars any challenge to the declaration made under Section 3D(1) in any court or by any other authority. Once a declaration is published under Section 3D(1), the land vests absolutely in the Central Government free from all encumbrances by virtue of Section 3D(2). Thereafter, the only dispute that can arise relates to the quantum of compensation, for which an adequate remedy by way of arbitration is provided under Section 3G(5) of the Act, 1956.

6.4.5. Even assuming, without accepting, that there was some procedural irregularity in the determination of compensation, the appropriate remedy for the petitioner would be to seek enhancement of compensation by invoking the arbitration mechanism under Section 3G(5), and not to seek quashing of the entire acquisition by filing a writ petition under Article 226 of the Constitution of India. The availability of an efficacious alternative remedy is a complete bar to the entertainment of a writ petition, except in cases of jurisdictional error or mala fides, neither of which has been established in the present case.

6.4.6. We have consciously refrained from examining the award dated 15.02.2025 in any detail or expressing any opinion on the correctness of the classification of land, the methodology of valuation, or the quantum of compensation determined therein. Since we are of the view that the appropriate forum for adjudication of all issues relating to compensation is the arbitration mechanism provided under Section 3G(5) of the Act, 1956, any detailed examination or observations by this Court on the merits of the award would be inappropriate and may prejudice the rights

of the parties in the arbitration proceedings. Suffice it to say that the petitioner's grievances relate primarily to the determination of compensation, and all such grievances can be effectively raised and adjudicated in the arbitration proceedings.

6.5. Scope of Judicial Review in Highway Projects

6.5.1. It is well-settled that projects involving construction of new highways and widening and development of existing highways are entrusted to experts in the field. The NHAI is a professionally managed statutory body having expertise in the field of development and maintenance of national highways. It comprises persons having vast knowledge and expertise in highway development and maintenance. Detailed project reports are prepared keeping in view relevant factors including intensity of heavy vehicular traffic and larger public interest.

6.5.2. The Hon'ble Supreme Court in **Kushala Shetty (supra)** has categorically held that courts are not equipped to decide upon the viability and feasibility of a particular project and whether a particular alignment would subserve the larger public interest. The scope of judicial review in matters relating to highway development and land acquisition for national highway projects is well settled. Courts have consistently recognised that decisions concerning the planning, alignment, feasibility, and execution of such projects lie primarily within the domain of expert bodies constituted for that purpose. Judicial interference is, therefore, circumscribed and warranted only where the action complained of is demonstrably arbitrary, ex facie contrary to the statutory mandate, or vitiated by mala fides. Courts do not sit in appeal over technical or policy decisions taken after due deliberation by specialised authorities, nor can they substitute their own views on matters requiring technical expertise and assessment of larger public interest. In this context, it is apposite to recall the following exposition of law in para-28 of the case of **Kushala Shetty (supra)**:

“28. Here, it will be apposite to mention that NHAI is a professionally managed statutory body having expertise in the field of development and maintenance of National Highways. The projects involving construction of

new highways and widening and development of the existing highways, which are vital for development of infrastructure in the country, are entrusted to experts in the field of highways. It comprises of persons having vast knowledge and expertise in the field of highway development and maintenance. NHAI prepares and implements projects relating to development and maintenance of National Highways after thorough study by experts in different fields. Detailed project reports are prepared keeping in view the relative factors including intensity of heavy vehicular traffic and larger public interest. The Courts are not at all equipped to decide upon the viability and feasibility of the particular project and whether the particular alignment would subserve the larger public interest. In such matters, the scope of judicial review is very limited. The Court can nullify the acquisition of land and, in rarest of rare cases, the particular project, if it is found to be ex-facie contrary to the mandate of law or tainted due to mala fides. In the case in hand, neither any violation of mandate of the 1956 Act has been established nor the charge of malice in fact has been proved. Therefore, the order under challenge cannot be sustained.”

6.5.3. Similar views have been expressed by this Court in **Pramod Kumar Gupta and others vs. National Highways Authority of India and others** (Writ-C No. 1279 of 2022, decided on 28.01.2022) and in **Brikesh Kumar Pathak vs. General Manager (East Uttar Pradesh)** (Writ-C No. 7391 of 2025, decided on 08.04.2025). In both these cases, this Court declined to interfere with the technical decisions regarding alignment and extent of land required for highway projects, observing that such matters fall within the exclusive domain of technical experts and the scope of judicial review is extremely limited.

6.5.4. In the present case, no mala fides have been established. The allegation that the alignment was deliberately changed to target the petitioner's hotel is wholly unsupported by any credible material. On the contrary, the record shows that the Detailed Project Report and Land Acquisition Plan were prepared after due technical surveys and feasibility studies, and the alignment was finalized in accordance with technical requirements and engineering considerations. The petitioner purchased the land on 29.05.2017 and applied for conversion of land use from agricultural to commercial under Section 80(1) of the Uttar Pradesh Revenue Code, 2006 on 15.02.2021. Significantly, this application for conversion of land use is still pending and has not been decided till date. Despite the pendency of the conversion application, the petitioner commenced construction of the hotel in 2021 and completed the same in

2023. The construction of the hotel was thus undertaken when the application for change of land use was still pending consideration before the competent authority. Having proceeded with construction in such circumstances, the petitioner cannot now claim that the acquisition proceedings were targeted at her property with any mala fide intention. The petitioner chose to invest and completed the construction at her own commercial risk. This factual position, however, does not preclude the petitioner from claiming appropriate compensation for the land and structures in accordance with law, including the right to contend that the compensation should be determined keeping in view the actual use and nature of the property at the time of acquisition. All such contentions and rights of the petitioner regarding valuation and compensation remain open and unaffected by the present proceedings, and shall be considered on their own merits by the appropriate authority in accordance with the provisions of the Act, 1956.

6.6. Public Interest vs. Private Interest

6.6.1. Infrastructure development is critical for the economic growth and prosperity of the nation. National highways play a vital role in facilitating movement of goods and passengers, promoting trade and commerce, and integrating different regions of the country. Widening and upgradation of national highways have become imperative in view of the exponential growth in vehicular traffic over the past decades.

6.6.2. It is well-established that whenever there is a conflict between public interest and private interest, the former must prevail. While the law provides for payment of fair and adequate compensation to persons whose land is acquired for public purposes, individual hardship cannot be permitted to defeat or delay projects of national importance. The constitutional courts, while exercising jurisdiction under Article 226, must keep the larger public interest in mind and must weigh public interest vis-a-vis private interest while exercising their discretionary powers.

6.6.3. The Supreme Court, in *Barangore Jute Factory & Ors. (supra)*, examined the delicate balance between public interest and private rights in the context of land acquisition for a national highway. While holding that the acquisition notification was legally defective for want of proper statutory compliance and that possession had been taken contrary to law, the Court declined to quash the notification. It noted that the acquisition was for a project of great national importance and that the highway construction had already been completed. Quashing the notification at that stage would have caused serious practical difficulties and led only to a fresh acquisition process, escalating compensation due to rising land prices. The Court emphasized that private property rights cannot be ignored, but where public interest has crystallized into an irreversible public project, the appropriate remedy lies in just and fair compensation rather than undoing what has already been done. In this context, Hon'ble Supreme Court observed in paragraph 14 as under:

*“14. Having held that the impugned notification regarding acquisition of land is invalid because it fails to meet the statutory requirements and also having found that taking possession of the land of the writ petitioners in the present case in pursuance of the said notification was not in accordance with law, the question arises as to what relief can be granted to the petitioners. **The High Court rightly observed that the acquisition of land in the present case was for a project of great national importance, i.e. the construction of a national highway.** The construction of a national highway on the acquired land has already been completed as informed to us during the course of hearing. No useful purpose will be served by quashing the impugned notification at this stage. **We cannot be unmindful of the legal position that the acquiring authority can always issue a fresh notification for acquisition of the land in the event of the impugned notification being quashed.** The consequence of this will only be that keeping in view the rising trend in prices of land, the amount of compensation payable to the land owners may be more. Therefore, the ultimate question will be about the quantum of compensation payable to the land owners. Quashing of the notification at this stage will give rise to several difficulties and practical problems. Balancing the rights of the petitioners as against the problems involved in quashing the impugned notification, we are of the view that a better course will be to compensate the land owners, that is, writ petitioners appropriately for what they have been deprived of. Interests of justice persuade us to adopt this course of action.”*

(Emphasis supplied)

6.6.4. This principle has been consistently followed by the Hon'ble Supreme Court in several cases. The Supreme Court, in **Ramnislal N.**

Bhutta and another vs. State of Maharashtra and others,¹³ emphasized that while individual property rights are important, they cannot override genuine public purposes underlying land acquisition. The case arose from acquisition of land for establishing a bus station for the Bombay Electric Supply and Transport Undertaking (BEST). The appellant challenged the acquisition on grounds of alleged mala fides, selective exclusion of adjoining land, and procedural irregularities. The Court noted that the acquisition proceedings had commenced as early as 1979 and were repeatedly delayed due to litigation. It found no material to substantiate allegations of mala fides or absence of public purpose and held that mere adjustments or settlements during acquisition do not negate the underlying public need. The Court underscored that infrastructure projects are vital for economic development and cannot be lightly stalled at the instance of individual landowners, particularly after prolonged delay. Importantly, it held that discretionary jurisdiction under Article 226 must be exercised keeping the larger public interest in mind, especially in matters of land acquisition. In this context, the Court observed:

*“The courts have to weigh the public interest vis-a-vis the private interest while exercising the power under Article 226... In the matter of land acquisition for public purposes, **the interests of justice and the public interest coalesce; they are very often one and the same.**”*

(Emphasis supplied)

6.6.5. The Supreme Court in **Pratibha Nema and others vs. State of M.P. and others,**¹⁴ examined the delicate balance between private landowners’ rights and the larger public interest in the context of land acquisition for establishment of a “Diamond Park.” While the acquisition incidentally benefited private companies engaged in diamond cutting and polishing, the Court held that such benefit does not, by itself, negate the existence of a public purpose. Emphasis was laid on the broader objectives of industrial development, employment generation, earning of foreign exchange, and planned economic growth of the State. The

¹³ AIR 1997 SC 1236

¹⁴ AIR 2003 SC 3140

Hon'ble Supreme Court reiterated that the concept of "public purpose" is elastic and must be understood in a pragmatic manner, keeping in view contemporary socio-economic needs. It was further held that the Government's satisfaction regarding public purpose is entitled to due weight and judicial interference is warranted only where the acquisition is shown to be a colourable exercise of power to serve a purely private interest. The Court observed that *"the phrase 'public purpose'... must include a purpose in which the general interest of the community, as opposed to the particular interest of individuals, is directly and vitally concerned."* Thus, where acquisition subserves a larger public goal, the incidental benefit to private entities cannot invalidate it.

F. Conclusion

7. After considering the rival submissions and the material on record, we are of the view that the present writ petition is wholly misconceived and devoid of merit. The acquisition proceedings have been carried out in substantial compliance with the provisions of the Act, 1956. The issuance of two Section 3D notifications was necessitated by practical difficulties arising from obstruction by the landowners themselves. There has been no change in alignment and no mala fides have been established.

7.1. The petitioner was granted full opportunity to file objections under Section 3C, which she failed to avail within the statutory period. The land has vested absolutely in the Central Government by virtue of Section 3D(2), and the said vesting cannot be challenged in view of the bar contained in Section 3D(4) of the Act, 1956.

7.2. Insofar as the grievance regarding determination of compensation is concerned, an adequate and efficacious alternative remedy by way of arbitration under Section 3G(5) of the Act, 1956 is available to the petitioner. She is at liberty to pursue that remedy in accordance with law.

7.3. We may also observe that the project of widening and four-laning of NH-334D (Aligarh-Palwal Section) is of immense public importance and is intended to serve the larger public interest. Individual hardship,

howsoever genuine, cannot be permitted to defeat or delay such projects of national importance. The constitutional courts must maintain a delicate balance between public interest and private rights, and when there is a conflict between the two, public interest must prevail, subject of course to payment of just and fair compensation to the affected persons.

7.4. We are conscious of the fact that the petitioner and her family have invested substantial resources in constructing the hotel and that the hotel may be her source of livelihood. However, the law provides for payment of adequate compensation for land as well as structures. If the petitioner feels that the compensation awarded is inadequate or that the land has been wrongly classified as agricultural when it should have been treated as commercial, she has an effective remedy under Section 3G(5) of the Act, 1956 to seek arbitration and enhancement of compensation. We clarify that all rights and contentions of the petitioner in this regard are kept open.

F. Final ORDER

8. For the reasons stated above, the writ petition is **dismissed**. However, it is clarified that the petitioner shall be at liberty to seek enhancement of compensation, if so advised, by invoking the arbitration mechanism provided under Section 3G(5) of the Act, 1956, in accordance with law.

8.1. It is further clarified and emphasized that this judgment shall not be construed as an expression of opinion on the merits of the petitioner's claim for compensation or on the correctness of the classification of land, the nature and valuation of structures, or any other aspect of the award dated 15.02.2025. This Court has consciously refrained from examining the award in detail as all such issues fall within the domain of the arbitration proceedings under Section 3G(5) of the Act, 1956. All such issues shall be decided by the appropriate forum on their own merits in accordance with law, uninfluenced by any observations made in this judgment, which relate solely to the validity of the acquisition

proceedings and not to the quantum or mode of determination of compensation.

(Kunal Ravi Singh,J.) (Mahesh Chandra Tripathi,J.)

January 19, 2026

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