

Current legal affairs

SUPREME COURT DISMISSES PLEA AGAINST LAND ACQUISITION FOR WIDENING NH-161

In the case of **G. Narsing Rao (Died) Thr. Lrs. V. The National Highways Authority Of India & Anr.** the Apex Court has observed that the National Highways Authority of India (NHAI) can be said to be best judge to decide which land to be acquired and which not to be acquired for the purpose of construction of the Highways.

The NHAI (Defendant) reportedly acquired the whole properties of the Petitioner for the purpose of four-laning NH 161, purportedly without acquiring any other lands as per the design supposedly accepted by the competent authority for road widening. The Single Bench had agreed that the NHAI may go forward with the acquisition as long as it followed the plan.

As Petitioner's property was not necessary to be purchased, and other land should have been acquired in an equal proportion from both sides, and that there was deviation from the original plan i.e. the sketch relied upon. Petitioner's also contended that the road alignment from NH 9 to Mamidipalli hamlet had been finalised, but that NHAI wanted to diverge from that alignment. It was also anticipated that there was already a minor cart track route in place, and that for the purpose of enlarging the road, acquisitions of equal length on both sides of the cart track route should be made, but instead, the petitioners' whole estates were sought to be taken.

"The National Highways Act, 1956 provides forth the procedure for acquiring land for the building of national highways, including the award of compensation," the High Court Division Bench said. Because the purchase of property is for the purpose of four-laning a national highway, which is in the public interest, involvement by the High Court under Article 226 of the Constitution of India would not be warranted.

The Division Bench further stated that the writ petitioners had not submitted any evidence to show that the four-laning of NH 161 project was carried out with malice to evict the writ petitioners from their land.

It had also stated, "The alignment of a road is determined by technical experts. Courts are ill-equipped to advise government officials on how to plan roads or national highways, or which areas should be purchased for such purposes and which should not. In the case of national roads, there is a regulatory structure in place with built-in remedial procedures for people whose land was acquired for the road's construction."

The SLP filed and the bench of Justices M. R. Shah and Aniruddha Bose said that "It cannot be contested that the public interest is the main factor," the bench also said that , " the National Highway Authority may be stated to be the best judge to select which property to buy and which not to acquire for the purpose of construction of the Highways."

The Supreme Court concluded that no interference is required in the exercise of powers under Article 136 of the Indian Constitution and rejected the Special Leave Petitions.