

National Highways Authority Of India vs Swapnil on 9 January, 2020

Bench: Mohan M. Shantanagoudar, R. Subhash Reddy

1

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 148-149/2020
(Arising out of Special Leave Petition (C) No(s).
18995/2016)

189

NATIONAL HIGHWAYS AUTHORITY OF INDIA

APPELLANT(s)

VERSUS

SWAPNIL & ORS. ETC.

RESPONDENT(s)

O R D E R

Leave granted.

We find that the judgment of the High Court is a result of the misreading of the material on record. The High Court has wrongly observed that the notification under Section 3D of the National Highways Act, 1956 ('the Act') was issued on 17.02.2015 i.e. beyond the period of one year from the date of the notification under Section 3A of the Act.

The records reveal that the land of the respondent was acquired by issuing the notification under Section 3A of the Act for widening of National Highway – 3 on 23.08.2012. The notification under Section 3D of the Act Date: 2020.01.11 12:35:51 IST Reason:

was issued on 27.02.2013 i.e. within one year from the date of the notification issued under Section 3A of the Act. Thus, it is clear that the notification under Section 3D was issued within the period of limitation as prescribed under Section 3D (3) of the Act. Hence, the declaration could not have been quashed by the High Court as barred by limitation. Accordingly, the impugned judgment passed by the High Court is set aside. The appeals are, accordingly, allowed.

.....J. [MOHAN M. SHANTANAGOUDAR]J. [R. SUBHASH
REDDY] NEW DELHI;

JANUARY 09, 2020.

ITEM NO.25

COURT NO.12

SECTION IV-A

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Petition(s) for Special Leave to Appeal (C) No(s). 18994-18995/2016

(Arising out of impugned final judgment and order dated 01-03-2016 in WP No. 2249/2015 01-03-2016 in WP No. 2251/2015 passed by the High Court Of M.P Principal Seat At Jabalpur) NATIONAL HIGHWAYS AUTHORITY OF INDIA
Petitioner(s) VERSUS SWAPNIL & ORS. ETC. Respondent(s) Date : 09-01-2020
These petitions were called on for hearing today. CORAM : HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR HON'BLE MR. JUSTICE R. SUBHASH REDDY
For Petitioner(s) Ms. Neetika Sharma, Adv.

M/S. M. V. Kini & Associates, AOR For Respondent(s) Ms. Taruna Ardhendumauli Prasad, AOR Mr. Ardhendumauli Kumar Prasad, Adv. Mr. Piyush Singh, Adv.

Mr. Vaibhav Shrivastava, Adv.

Mr. Akshat Shrivastava, AOR UPON hearing the counsel the Court made the following O R D E R Leave granted.

The appeals are allowed in terms of the signed order. Pending application(s), if any, stands disposed of accordingly.

(ASHWANI THAKUR) (R.S. NARAYANAN) COURT MASTER (SH) COURT MASTER (NSH) (Signed order is placed on the file)