

**NATIONAL HIGHWAY AUTHORITY OF INDIA AND ANR VS
STATE OF PUNJAB AND ORS**

Present: Mr. Chetan Mittal, Senior Advocate with
Mr. R.S. Madaan, Mr. Mayank Aggarwal &
Mr. Mahender Joshi, Advocates, for the applicant/NHAI.

Mr. Maninder Singh, Sr. DAG, Punjab.

1. Through an order becoming recorded by this Court on 12.12.2024, detailed directions became rendered by this Court upon all concerned. For further ensuring that the said directions have become effectively complied with, therebys, it becomes necessitated that the said earlier passed directions be re-extracted hereinafter:-

“(i) In respect of the uncompleted/pending projects, list whereof shall be supplied within a week by the counsel for the NHAI, to the respondent concerned, thus the Chief Secretary to the Government of Punjab, shall within a week from receiving the said list, shall thereby direct the competent authority, to draw action in terms of the relevant statutory provisions (supra), and, subsequently the Chief Secretary to the Government concerned, shall thereafter, ensure that within a period of two months thereafter, rather encumbrance free possession of the enlisted projects, is delivered to the NHAI, thus for enabling it to expeditiously complete the pilot projects of national importance.

(ii) If in respect of any stretch of land as detailed supra, thus encumbrance free delivery of possession, thus remains undelivered for all the above stated reasons thereupons, the respective Authorities shall ensure encumbrance free delivery of possession thereof, besides in respect of the ongoing litigations rather sub-judice

before various courts and also in respect of sub-judice arbitration cases thereons, the NHAI Authority, shall ensure that the respective Hon'ble Judicial Forums, do become expeditiously accessed, so that the pending sub-judice litigations become forthwith terminated. Even the NHAI shall make the quickest endeavour to ensure that orders of status quo as become passed by the learned courts are effected to become vacated through applications in the said regard becoming filed before the Hon'ble courts concerned.

(iii) Moreover, certain promptest actions vis-a-vis erasings certain above impediments but are warranted even from the NHAI, therefore the apposite actions be promptly taken.

(iv) The Collectors of the District(s) concerned shall review the ongoing National Highways Authority of India projects, stressing the need for rapid land acquisition and structural award being passed besides other related issues including the award distribution and expedited project timelines and resolve issues proactively.

(v) The Director General of Police of the State of Punjab, is to ensure that, as and when police assistance is asked for, by the NHAI for delivery to it, of encumbrance free possession, from the land-losers concerned, especially when prior thereto, compensation in terms of the relevant provision (supra) becomes determined, besides becomes disbursed, to thereby make the promptest compliances thereto.

(vi) In case there is breach of the said request as made by the competent authority, to the Police Commissioner or to the Collector concerned, thereby it is open to the NHAI, to move the Chief Secretary to the Governments concerned, so that, the latter thus draws

appropriate action in accordance with law, against the derelicting officer/official concerned.

2. However, when the matter was listed today, Shri Vipnesh Sharma, Regional Officer, Chandigarh, National Highways Authority of India, has filed an affidavit, which is sworn by him, the relevant contents whereof as occur in paragraphs 3 to 6 thereof, become extracted hereinafter:-

“3. That in the said order, this Hon’ble High Court has directed the NHAI to make efforts to get the status quo orders be vacated from the concerned Hon’ble Courts. It is submitted that land measuring 2.5. Kms could not be handed over to the NHAI because of the status quo/stay granted by the Hon’ble Courts in three cases. Action taken on behalf of NHAI – It is submitted that subsequent to the order dated 10.12.2024, (a) NHAI has approached the Hon’ble Supreme Court for vacating the stay in Gurtej Singh Bhullar & Ors. Vs. Union of India & Ors., SLP No.25286-25287 of 2024 wherein the Hon’ble Supreme Court vide order dated 19.12.2024 has requested this Hon’ble High Court to decide the main writ petition bearing CWP No.18944 of 2024 within a period of three months and the same is now pending for 10.2.2025 before this Hon’ble Court (b) Secondly, NHAI has also moved an application bearing CM No. 1077 of 2025 in CWP No.5912 of 2023 titled as Randhir Singh Sidhu Vs. Union of India & Ors for preponing the date of hearing and this Hon’ble High Court vide order dated 27.01.2025 was pleased to direct the matter to be listed in the urgent list and now the matter is fixed for hearing on 05.02.2025 alongwith other connected matter i.e. CWP No.5904 of 2023 titled as Navtej Singh Vs. Union of India Copies of orders dated 19.12.2024 and 27.1.2025 are annexed herewith

as Annexure A-4 & A-5.

4 That it is submitted that due to publication of 3A/3D notifications which are under process, 6.7 km length is affected. The status of publication of 3A/3D is annexed as Annexure-A-6.

5. That it is pertinent to mention here that for the missing khasra Nos. the notifications under Section 3A & 3D have been issued, however, the awards have not been pronounced by the respective competent authorities (CALAs). Some of the 3D notifications were published in July 2022. Due to non passing of the awards, the NHAI is to bear the additional burden of interest. The details of the pending LA awards with the CALAS where 3D notifications have been published are annexed herewith as Annexure A-7.

6. That updated status of the balance physical possession of acquired land is tabulated as under:

Total length (km)	Possession obtained (km)	Balance possession to be handed over (km)	Length hindered due to ongoing Arbitration u/S 3G-5	Length hindered due to stay by Hon’ble Supreme Court and High Court	Length hindered due to pending notifications u/S 3A and 3D	Balance unencumbered land where possession can be given (km)
		Annexure A-2	Annexure A-3	Annexure A-4 & A-5	Annexure A-6	
1344	1244.76	99.24	11.52	2.5	6.7	78.52

3. Moreover, the affidavit of Shri Gaurav Yadav, Director General of Police, Punjab, has also been tendered before this Court and in the said filed affidavit, speakings are made in paragraphs 7 to 12, wherebys the deponent has stated that effective compliances have been rendered to the supra passed order:-

“4. That in this regard, it is submitted that the deponent vide order No. 4315-24/PS/DGP/PB dated 13.08.2024 had constituted a Committee of Police

Officers for engaging stakeholders, Civil Administration and NHAI authorities comprising of the following officers:-

(1) Sh. Arpit Shukla, IPS, Special DGP, Law and Order – Chairman

(ii) Sh. Rajesh Jaiswal, IPS, Additional DGP, Intelligence – Member

(iii) Sh. Jaskaran Singh, IPS, Additional DGP (Retd.) - Member

(iv) Sh. Gurpreet Singh Bhullar, IPS, IGP, Law and Order - Member

(v) Sh. Narinder Bhargav, IPS, DIG (Retd.) - Member

A copy of the aforesaid Order dated 13.08.2024 is annexed alongwith and marked as ANNEXURE R-1.

5. That in this regard, it is humbly submitted that the deponent had held meeting on 15.08.2024 with all Commissioners of Police, Senior Superintendents of Police and Range officers through virtual mode in which the following directions were issued by the deponent:-

(I) It should be prioritized to ensure engagement with all stakeholders for amicable resolution of any pending or potential Issues.

(II) In case of any escalation, FIRs to be promptly registered. Pending arrests in previous FIRs to be done at the earliest.

(III) Security measures to be strengthened, and regular patrolling should be ascertained.

A copy of the aforesaid communication No. 4500-44/PS/DGP/PB dated 15.08.2024 is annexed alongwith and marked as ANNEXURE R-2.

6. That in furtherance to the above, a meeting of the aforesaid Committee was held by the Special DGP, Law

and Order, Punjab on 27.08.2024 in which the following suggestions/ directions were issued to all the Commissioners of Police and Senior Superintendents of Police:-

a) Conduct meetings with Kisan Unions and try to convince them to vacate land, once award/payment is received by them.

b) SSP's to conduct meetings with stakeholders and NHAI Officials for speedy resolution of Land acquisition issues.

c) SSP's were directed to be prompt in providing Officers/force, if any request regarding the acquisition under Bharatmala project is received.

d) All concerned SSP's to liaison with NHAI authorities so that problem of adverse possession by Kissan Unions could be averted.

e) NHAI Officials should be informed to install Flood lights, CCTV Cameras pertaining to Land under acquisition.

f) Liaison with NHAI contractors to employ local people of that. area and also provide proper security arrangements for workers at the place of work.

g) DIG Patiala Range was informed to liaison with Sh. Jaskaran Singh IPS ADGP (Retired) for better coordination with various kissan unions.

h) The concerned SSP's were further directed that demand regarding the requirement of force must be raised atleast 12 hours in advance.

A copy of the aforesaid minutes of meeting is annexed alongwith and marked as ANNEXURE R-3.

7. That it is further submitted that the Chief Secretary,

Punjab has held a number of meetings on 16.08.2024, 30.08.2024, 06.09.2024 and 26.09.2024, which were attended by the Special DGP, Law and Order, Punjab. In furtherance to the aforesaid meetings, the deponent had held a number of meetings with the Commissioners of Police and Senior Superintendents of Police directing them to extend all possible help to Civil/NHAI authorities so as to ensure meticulous compliance of directions of this Court.

8. That further, the office of the Special Director General of Police, Law and Order, Punjab had issued letter No. 78358-94/Law and Order-5 dated 27.08.2024 to all Commissioners of Police and Senior Superintendents of Police in Punjab to promptly provide police assistance if any request regarding possession of land is received from NHAI and to provide all the logistic assistance, as deemed necessary to ensure that the expeditious encumbrance free delivery of possession over all acquired tracks of land is released to the NHAI. A copy of the aforesaid letter dated 27.08.2024 is annexed alongwith and marked as ANNEXURE R-4.

9. That in furtherance to the above, letter No. 89369-408/Law and Order-5 dated 26.09.2024 was issued by the Special DGP, Law and Order, Punjab to all Commissioners of Police and Senior Superintendents of Police in Punjab to provide prompt police assistance if any request is received from NHAI regarding possession of land. A copy of the aforesaid letter dated 26.09.2024 is annexed alongwith and marked as ANNEXURE R-5. It was further directed that directions issued by this Hon'ble Court on 20.09.2024 shall be followed in letter and spirit.

10. That in compliance with the directions contained

in last order dated 25.10.2024, another letter No. 104234-70/Law and Order-5 dated 09.11.2024 has been issued to all the field units by the Special DGP, Law and Order, Punjab directing that upon receiving any request for police assistance by NHAI, it should be provided immediately. If any additional force is required for the compliance of the aforesaid letters, the office of Special Director General of Police, Law and Order, Punjab be immediately notified in this regard. A copy of the aforesaid letter dated 09.11.2024 is annexed alongwith and marked as ANNEXURE R-6.

11. That in furtherance to the above, the deponent during a meeting on 13.11.2024, with all range DIGs/IGs, all Commissioners of Police and Senior Superintendents of Police in State of Punjab had directed that they shall accord highest priority to the pending issues, if any, pertaining to National Highway Projects so that they are resolved at the earliest in tandem with the concerned District Administration, thereby ensuring encumbrance free delivery of possession of land to NHAI for expeditiously completing pilot projects of national importance. It was further directed that prompt compliance should be made to ensure police assistance as and when asked for by the Civil/NHAI authorities.

4. The Chief Secretary to Government of Punjab has also filed the compliance affidavit, whereby, he states that effective compliance has been rendered to the previously passed order by this Court. The relevant contents of the said affidavit become extracted hereinafter:-

“4. That it is submitted that in Annexure-II, there are five works for which possession of 180.75 Km out of total 184.50 Km has been handed over to NHAI. As such, for

three projects, 100% possession has been given and for one project at village Aujla in District Gurdaspur, 200 m possession is left due to ongoing court case in bol the Hon'ble Punjab and Haryana High Court i.e. CWP No 5904 of 2023 titled as "Navtej Singh & Ors Vs Union of India & Others". The next date of hearing is 05 February, 2025. It is further submitted that for the fifth project, 3.55 Km possession is pending. The reasons/difficulties are explained in the Annexure- II.

5. That it is submitted that for Annexure III, there are five projects having total length of 182.57 Km, out of which possession of 152.41 Km has been handed over to NHAI

The reasons for non-handing over of the balance reaches has been submitted in the Annexure-III

a) That with respect to project mentioned at Serial number 2 of Annexure III ie Beas-Baba Bakala-Batala-Dera Baba Nanak (Package-1), the possession of a stretch measuring 0.5 km is pending due to ongoing arbitration cases filed by NHAI challenging the CALA award.

b) That with respect to project mentioned at Sr.No.3 1.e Amritsar-Ghuman Tanda-Una NH-503 (Package-I) of Annexure III, which falls in the Amritsar District, the encumbrance free possession of 6.76 kms is pending. This is due to delay on the part of NHAI to sanction the disbursement limit which has been granted recently and the disbursement is in progress. In the district Gurdaspur 2.8 Km is pending on account of delay in deposition of funds by NHAI. The funds have been received on 14-11-2024 and disbursement is in progress. Further out of 2.8 Km, in a length of 1.2 Km; notification U/s 3D is pending for publication with NHAI

c) That with respect to Project mentioned at Sr. No.5 ie DAK Expressway (Phase-1, Spur-II), the possession is pending in District Tarn Taran due to ongoing court cases in Ld District court. It is further submitted that all the steps are being taken by the answering respondent to hand over the balance length except the reaches for which possession may get delayed due to various issues submitted above and as mentioned in the Annexure-III.

6. That it is submitted that for Annexure IV, there are sixteen projects having total length of 658.6 Km and for these projects, possession of 592.63 Km has been handed over to NHAI.

a) That with regards to the project mentioned at Sr. No.2 in Annexure IV i.e. 4 Laning of Abohar to Fazilka section of NH-07 in district Fazilka, encumbrance free possession of 1.77 kms is pending as over certain piece of land, structures/houses of private owners exist. The Assessment of structures on this stretch is being done by NHAI.

b) That with regards to the project mentioned at Sr. No.3 in Annexure IV i.e. Amritsar bypass (Pack III), the possession of a stretch of 0.64 kms is remaining to be delivered, owing to ongoing revenue dispute which is being settled by the District Revenue Authorities.

c) That with regards to the project mentioned at Sr.No.5 i.e. Moga Bajkhana section of NH-105B in district Moga, possession is pending, on account of challenging of the structure awards of Cement factory by NHAI and pending approval of Structure award by NHAI. Further, a stretch of about 60 m is pending due to mutation disputes.

d) That with regards to the project mentioned at Sr. No.6 of Annexure IV ie Beas-Baba Bakala-Batala, Dera Baba

Nanak (Package-II) in district Gurdaspur, the possession of 2.90 kms is pending owing to civil litigation, missing structure award and missing numbers. Further out of 2.9 km, a stretch of 0.4 km is pending on account of transfer of land by Police Station Kotli Surat Malhi and BSF Authorities to NHAI.

e) That with regards to the project mentioned at Sr No.7 i.e. 6 lane Amritsar Bathinda (Pack II) in district Moga, possession of 2.5 kms is pending as status quo order in SLP no 25286-87 of 2024 were passed by the Hon'ble Supreme Court qua some portion of project. Now, the SLP has been disposed of by Hon'ble Supreme court on 19.12.2024 (Annexure R3) with directions to the Hon'ble Punjab Fand Haryana High court to decide the main case within 3 months. Further, the award of missing numbers has been approved by NHAI on 16.12.2024 and the disbursement is in progress.

f) That with regards to the project mentioned at Sr.No.10 i.e. 6 lane Amritsar Bathinda (packagel) in district Kapurthala, the possession of 1.31 kms is pending owing to a dispute raised by the local citizens w.r.t. the cross-drainage issues and are demanding an elevated bridge of 400m length. NHAI is getting the study done from IIT Roorkee and the final report is still pending from IIT. In district Jalandhar, the encumbrance free possession of 5 kms is pending, on account of ongoing litigation before the Arbitration Tribunal. In district Moga, encumbrance free possession of 0.25 kms is pending due to pending approval of the Arbitration award by NHAI and subsequent deposition of funds. Further the disbursement of compensation for the missing khasra number is in progress.

g) That with regards to project mentioned at Sr.No.12 i.e.

Southern Ludhiana Bypass in Annexure IV, possession of 3.55 kms is pending since certain stretches of land are under illegal possession of cultivators who are claiming to be owners of the land which as per revenue records is the Govt land. In this regard the Court reference is being sent for further decision and disbursement.

h) That with regards to the project mentioned at Sr.No.13 i.e. Jalandhar Bypass in Annexure IV, possession of 2.2 kms is pending due to pending approval of awards by NHAI and ongoing arbitration cases in 2 villages.

i) That with regards to the project mentioned at Sr.No.15 I.e. Ludhiana Bathinda (package II) in district Ludhiana, encumbrance free possession of stretch 3.6 kms is pending Several meetings were held with NHAI and land owners, and the survey work has been resumed on whole stretch. Disbursement camps are being organized in the villages.

j) That with regards to the project mentioned at Sr.No.16 i.e Ludhiana Roopnagar Package-II, in district Ludhiana, encumbrance free possession of 35.14 km is pending due to ongoing Arbitration cases filed by NHAI in 14 villages. Further the awards for missing numbers in 18 villages is being announced and regular meetings are being held with NHAI and Farmer Unions for early possession of land.”

5. Readings of the affidavit sworn and placed on record today by Shri Vipnesh Sharma, Regional Officer, Chandigarh, National Highway Authority of India, details in the table made therein, that encumbrance free delivery of possession, yet remains to be made to the executing agencies concerned, viz-a-viz parcels of land measuring 99.24 Kms. The said fact is detailed in Annexure A-2 appended to the affidavit sworn by the supra.

Moreover, it is further evident on a perusal of Annexure A-3 as become appended with the affidavit filed by the supra, that owing to ongoing arbitration(s) under Section 3G of the National Highway Authority of India Act, 1956 (hereinafter referred to as 'the Act of 1956'), thus, encumbrance free delivery of possession of land measuring 11.52 Kms., rather has not taken place. Moreover, viz-a-viz a stretch of land measuring 2.5 Kms., there is an impediment in assumption of encumbrance free possession by the NHAI, on account of there being a stay granted in respect thereof by the Hon'ble Supreme Court. Annexure A-6 appended with the affidavit details that viz-a-viz a stretch of land measuring 6.7 Kms., encumbrance free possession could not be assumed, on account of pending notification under Section 3A and 3D of the Act of 1956.

6. It is stated therein that since the total span of the road to be executed by the contractors to be appointed by the NHAI, and that too within the State of Punjab, thus, measures about 1344 Kms., however, open possession inasmuch as of about 1244.76 Kms., thus, has been assumed by the NHAI. However, for the reasons stated supra, there are wants of delivery of encumbrance free possession to the NHAI, for thereafter works thereons becoming executed by the contractors concerned.

7. For the various reasons recorded in the affidavit sworn by Shri Vipnesh Sharma and also for the various reasons, as detailed in the affidavit sworn by the Chief Secretary, Punjab, the relevant portion(s) whereof become hereabove underlined, thus, the impediments and obstacles as become created thereovers, whereby, there is non-delivery of encumbrance free possession to the NHAI, thereby necessarily such obstacles require

theirs being eased.

8. Therefore, now this Court is required to be ensuring that the effective completions of the instant projects of national importance, which would also sub-serve the economy of State of Punjab, are not halted, only on account of unnecessary obduracy of any concerned or on account of the land-loosers concerned, or on account of some lackadaisical attitude on the part of any authority in delaying the completion(s) of the makings of structures award, through delaying, rather the completions of the ongoing arbitration proceedings, through delayings the makings of the requisite motions before the learned Courts concerned, for the vacation of the orders of stays against delivery of possession to the NHAI concerned, through lack of effective patrolling of all the execution sites concerned at the instance of the SSPs concerned, besides through lack of effective ease to execute works becoming made available by the police authorities and by the district administration concerned, to the executing agencies concerned, thereupons, that this Court deems it fit to pass the hereinafter extracted *mandamus* upon all concerned:-

(a) That the above stated impediments, thus, delaying the undertakings of effective and prompt executions of the subject projects, be ensured to be effectively curbed by all concerned through the takings-up of such measures, whereby, both effectively and promptly, become concluded the issuance of pending statutory notifications, but within two weeks from today.

(b) The ongoing arbitration cases becoming also endeavoured to, thus, within two weeks from today to become effectively concluded.

(c) The process of settling awards in respect of subject structures qua the land-loosers concerned becoming effectively concluded, but within two weeks and also within the aforesaid period of time, the releases of determined compensation amount being made to the land-loosers concerned. The learned Courts concerned seized with the relevant motions being urgently beseeched to pass lawful orders on the subjudice litigations, so that, thereby, the bottlenecks, as created by the concerned, in the delivery of encumbrance free possession of the relevant tracts of land to the NHAI, thus, becomes completely overcome.

(d) That, as is orally submitted today before this Court by Mr. Chetan Mittal, Senior Advocate and Mr. Raghujeet Singh Madaan, Advocate, appearing on behalf of the NHAI, qua despite earlier, assumptions of encumbrance free possession over certain pieces of lands by the NHAI, but yet some unruly elements are deploying unlawful modes merely to unsettle the said assumed possession by the NHAI. Therefore, it is open to the NHAI to make a complaint before the Police Commissioner of the police district concerned and on the said complaint, lawful action shall be drawn and also, prompt lawful steps shall be taken to ensure that the encumbrance free delivery of possession of the relevant tract of land, becomes remade to the NHAI. The requirements of mobile police vans, manned by armed police personnel, besides of police pickets being established, at all the sites where execution works are underway at the instance of the agencies concerned, but are direly necessitated requirements. As such, a

mandamus is passed upon the Chief Secretary to the Government of Punjab and to the Director General of Police, Punjab, to ensure that the lawful actions become drawn against the derelicting police officials concerned or against the derelicting administrative officers concerned. The district administration as well as the Commissioners of Police of the police district concerned, are directed to ensure the providings, to the executing agencies concerned, thus, of all the logistical supports, so that, therebys, there is ease of executing the ongoing works, which, as stated supra, are of national importance and which would pave way for improving the economy of the State of Punjab.

9. If on the subsequent date of hearing, this Court finds that any of the supra directions have been intentionally breached at the instance of the concerned, therebys, this Court shall draw such appropriate action against the derelicting officer/official concerned, as may be deemed fit and necessary, but in accordance with law.

10. List on 21.03.2025.

11. To be shown in the urgent list.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

February 21, 2025
harish