

(101+102)

CM-5185-CWP-2025, CM-10552-CWP-2024, CM-10553-CWP-2024 &
CM-10554-CWP-2024 IN CWP-8730-2022

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

Present: Mr. Chetan Mittal, Senior Advocate assisted by
Mr. R.S. Madaan, Advocate
Mr. Mayank Aggarwal, Advocate and
Mr. Mahender Joshi, Advocate for the applicant/NHAI.

Mr. C.S. Bagri, Advocate and
Dr. Gurjit Kaur Jassar Bagri, Advocate for the applicants in
(CM-5185-CWP-2025).

Mr. Maninder Singh, Sr. DAG, Punjab.

1. Affidavit of Vipnesh Sharma, Regional Officer, National Highway Authority of India, Chandigarh, has been filed in Court today on behalf of the applicant-petitioner (NHAI). The same is taken on record.

2. In compliance of the order dated 21.03.2025, the Deputy Commissioners concerned along with the Senior Superintendents of Police concerned, have filed their respective following affidavits:

a) Reply by way of affidavit of Sandeep Rishi, IAS, Deputy Commissioner, Sangrur, has been filed today in the Court, which is taken on the record. The relevant paragraphs of the affidavit supra, are extracted hereinafter:- (**two weeks' time is granted to remove the relevant hindrance**).

“5. That, work of NHAI on another stretch of 70 metres in village Jhaneri, Tehsil Bhawanigarh, District Sangrur has been obstructed by the land owners on the grounds that the remaining land of these farmers after acquisition has no approach road for entering into their fields and also for higher compensation as their ownership was also acquired for this project in various

years starting from 2021, 2022 and 2023 through various awards and the rate of compensation for this 70 metres stretch in the last award of 2023 by the CALA has been maintained at the same level as the rate awarded in 2021. This land of 70 metres stretch is basically the missing khasra numbers, which were left out in earlier 2021 gazette notification for acquisition for Delhi-Amritsar-Katra Expressway. The farmers have been engaged at the level of CALA as well as answering deponent also. In the meeting held with farmers in the presence of Project Director, NHAI and SSP Sangrur on 02.04.2025, the farmers have been told that the land for providing approach road to their remaining land is under acquisition process and notification u/s 3A of the National Highway Act, 1956 was issued on 18.12.2024. The notification u/s 3D of the National Highway Act, 1956 for this approach road will be issued in next two weeks. The farmers have been told to approach the Competent Court/Authority for enhancement of the compensation. With the issuance of 3D Notification for the approach road for the remaining land, the issue of obstructions in working of NHAI in 70 metres stretch will be resolved as soon as possible.

6. That it is most humbly submitted that the answering deponent is making the best efforts possible to facilitate hindrance free working of NHAI on Delhi-Amritsar-Katra Expressway project in District Sangrur. With efforts of answering deponent assisted by District Police, the obstruction in Dhuri Sub-Division measuring 175 metres was cleared on 07.01.2025. The obstructed portion in Santokhpura village has also been reduced from 1220 metres at the time of joining of answering deponent to 300 metres now and will be reduced to nil by

15.04.2025 with assistance of police authorities of Sangrur.”

b) Short reply by way of affidavit of Viraj Shayamkarn Tidke, IAS, being the Deputy Commissioner of District Malterkotla on behalf of respondent No.16 has also been filed in Court today. The same is also taken on record. The relevant paragraphs of the affidavit supra, are extracted hereinafter:- **(20 days' time is granted to remove the relevant hindrances)**

“5. That, consequent to these meetings all issues were resolved qua the hindrances at Serial No. 2 and 3 of the table in Para 3 totaling 836 Km. However since the Kissan Unions and land owners have a dharna at Ranwan-Badhshapur regarding the other 5 spots, construction has commenced on .506 Km stretch of the road. Photographs of the ongoing work having commenced are attached as Annexure R2.

6. That as per information received from C.A.L.A. reference has been sent to the principal court of original jurisdiction under section 3H(4) of the National Highways Act, 1956 on account of the dispute regarding apportionment of the compensation amount regarding the land where there are hindrances as detailed at Serial Numbers 4 to 7 in the table in Para 3 above. The total stretch of these hindrances totals .585 Km's.”

c) Reply by way of short affidavit of Rahul, I.A.S., District Magistrate, Tarn Taran, and status report by way of affidavit of Abhimanyu Rana, IPS, Senior Superintendent of Police, District Tarn Taran, have also filed in Court today. The same are also taken on record. The relevant paragraph of the affidavit of

District Magistrate supra, is extracted hereinafter:- **(till 03rd**

May, time is granted to remove the relevant hindrances).

“6. That in view of the facts and circumstances mentioned above, it is again prayed that six weeks’ time may be granted to handover the complete physical possession of the acquired land to NHAI for Delhi-Amritsar-Katra Expressway (Spur-2) project, upon harvesting of ripe wheat crop. It is further submitted that the undersigned undertake to comply with the orders of this Hon’ble Court in letter and spirit.”

d) Reply by short affidavit of Dalwinderjit Singh, the Deputy Commissioner, Gurdaspur on behalf of respondent No.11 filed in Court today. The same is taken on record as well. The relevant paragraphs of the affidavit supra, is extracted hereinafter:- **(04 weeks' time is granted to remove the relevant hindrances)**

“6. That, on dated 01.04.2025, the deponent has conducted the meeting with Senior Superintendent of Police, Gurdaspur, Batala & Competent Authority for Land Acquisition-cum-Sub Divisional Magistrate, Gurdaspur and Batala (CALAS) As to discuss the issues raised by National Highway Authority of India (NHAI) and necessary directions have been issued to concerned authorities for providing the assistance to National Highway Authority of India (NHAI) in compliance of orders of Hon'ble High Court. The deponent has conducted this meeting with police officials and other concerned authorities with regard to the smooth functioning of project work. Competent Authority for Land Acquisition-cum-District Revenue Officer, Gurdaspur have awarded the structure award vide letter no. 1580 dated 28.01.2025 and 3A missing land award

vide letter no. 1615 dated 17.03.2025. It is pertinent to mention here that Competent Authority for Land Acquisition-cum-Sub Divisional Magistrate, Batala (CALA) has cleared the hindrance of land to extent of 0.390 Km and Competent Authority for Land Acquisition-cum-District Revenue Officer, Gurdaspur (CALA) has cleared the hindrance of land to extent of 0.350 km land after the directions of deponent. Now the detail of current status against the acquired land with regard to possession and construction work carried out by National Highway Authority of India (NHAI)is given below:-

Sr. No.	Name of Project	Total length of package in district Gurdaspur	Pending Possession	Remarks by CALA
1	Delhi Katra Expressway Package-11	8.32 km	6.47 KM	Out of 8.32 km, work is smoothly going on in 1.85 Km and in remaining length of 6.47 Km hindrances are being created by Kissan Union/ Crops standing in fields and issues of Joint Khewat related to Partition cases.
2	Delhi Katra Expressway Package-12	10.78 km	6.08 KM	Out of 10.78 Km, work is smoothly going on in 4.70 km and in remaining length of 6.08 km hindrances are being created by Kissan Union/ Crops standing in fields and issues of Joint Khewat related to Partition cases
3	Delhi Katra Expressway Package-12	24.5 km	16.81 KM	Out of 24.500 Km, work is smoothly going on in 7.69 Km and in remaining length of 16.81 Km hindrances are being created by Kissan Union/ Crops standing in fields and issues of Joint Khewat related to Partition cases.
4	Amritsar Ghoman Tanda Package-1	10.32 km	2.8 KM	Possession of 2.8 Km is pending due to notification u/s 3D of missing khasra numbers which is under consideration.
5	Amritsar Ghoman Tanda	11.2 km	3.15 KM	Possession of 3.15 Km pending due to disbursement of

	Package-2			compensation has stopped due to insufficient balance in CALA Account, in this regard 5 reminders have been issued to Project Director PIU Amritsar but still no amount has been received till date i.e. 03.04.2025.
6	Beas Baba Bakala Batala Dera Baba Nanak (NH-5030) Package-1	9.5 km	2.37 Km	Out of 2.37 Km around 1.6 Km package of the land is pending because of 30 Award and Structure Award, Hindrance in remaining 0.77 km is pending due to Joint Khewat related Partition Cases.
7	Beas Baba Bakala Batala Dera Baba Nanak (NH-503D) Package-2	37.8 km	2.5Km	Out of 2.5 Km around 2 Km package of the land is pending because of Missing 3D Land Award and Structure Award, Hindrance in remaining 0.5 Km is pending due to Joint Khewat related Partition Cases, BSF Canttonment Structure.

7. That, accordingly, deponent has issued necessary directions to Competent Authority for Land Acquisition-cum-Sub Divisional Magistrate, Gurdaspur and Batala (CALAs) and concerned Police Officials for providing the able assistance to National Highway Authority of India (NHAI), so that the project ALLY work may be completed. It is further submitted that all the possible assistance shall be provided to National Highway Authority of India (NHAI) for the smooth functioning of project and all endeavour shall be made to hand over the vacant possession of acquired land to National Highway Authority of India (NHAI).”

e) Reply by way of an affidavit of Himanshu Jain, the Deputy Commissioner, Ludhiana on behalf of respondent No.15, and affidavit of Ankur Gupta, IPS, Senior Superintendent of Police, Ludhiana (Rural) on behalf of respondent No.34, have also filed

in Court today. The same are also taken on record. The relevant paragraphs of the affidavit of the Deputy Commissioner supra, are extracted hereinafter:-

“2. That it is submitted that the District Administration has been making continuous efforts to deliver complete possession of acquired land to the NHAI in the jurisdiction of the deponent. At present, there are only three projects wherein possession of some portion of acquired land is pending. Project wise detailed facts in this regard are as under:-

*A) Southern Ludhiana Bypass Km 0.000 to 25.240
(District Revenue Officer, Ludhiana):-*

Competent Authority Land Acquisition-cum-District Revenue Officer, Ludhiana has provided information that in this project, about 86% possession of the acquired land has already been taken from the concerned land owners. However, in two villages ie. Rajgarh and Kaind, issues are being faced detail of which is as follows:

Rajgarh village issue: 2.2 km stretch is of village Rajgarh, of which the ownership is of the government, but is under illegal possession of some cultivators, along with some structures. Ownership rights are claimed by cultivators. Resistance is shown by farmers to give possession.

Kaind village issue: 1.35 km stretch of village Kaind is yet to be taken under possession due to the demand for exorbitant compensation i.e. 2-2.5 Cr. per acre by the land owners against the already awarded amount of around Rs.76 lakhs per acre, as the village Kaind is located on State Highway-11 (Ludhiana-Malerkotla). The additional 3G award of 14.75 Hac. for Kaind was

kept pending to control the spread of resistance to other villages of the Project where the land is under possession.

In view of the above mentioned circumstances, it is in the interest of the project to grant the above pending possession once the construction activities are started in the remaining 13 villages under possession.

Possession will be delivered by the District Administration as and when required by the NHAI in the same.

B) Ludhiana-Bathinda Greenfield Highway - Km 30.3 to Km 75.543 (Sub Divisional Magistrate Raikot, Ludhiana):-

In this regard, the Competent Authority Land Acquisition-cum-Sub Divisional Magistrate, Raikot has provided information that acquisition of 2.9 km in Ramgarh Sibbian faces significant resistance from Farmer Unions, despite three prior attempts. Organized disbursement camps were also met with opposition. Negotiations with Farmers Unions are underway to secure possession of the remaining 2.9 km.

Possession will be delivered by the District Administration after the harvest of the crops.

C) Ludhiana-Rupnagar Pkg 2 - Km 37.70 Km 66.40 (Sub Divisional Magistrate, Samrala, Ludhiana):-

In this regard, Competent Authority Land Acquisition-cum-Sub Divisional Magistrate, Samrala provided information that under the Ludhiana-Rupnagar Greenfield Project Phase-2, a total of 39 villages are included, with a total land area of approximately 47.24 kilometers. Out of 39

villages, awards in respect of 22-23 villages connected with this project, have already been announced in the year 2021 at the rate of Rs.25-30 Lac per acre. The said compensation has been considered inappropriate by the land owners of these villages due to which they have neither claimed the compensation nor handed over the possession. Out of 39 villages, land owners of Rampur, Panglian, Heeran, Pawat, Chooharpur, Billon, Behlolpur, Raian, Bhagpur, Bhaini Shallu (10 villages) have received the compensation due to which possession of land of Rampur, Panglian, Heeran, Pawat, Chooharpur, Billon, Behlolpur, has been handed over to the NHAI. Besides, possession of certain area of land of Village Doraha, has also been taken although the payment of compensation could not be made due the award being under challenge (pending in arbitration). In this way, possession of 12 km of these villages stands handed over to the NHAI.

Subsequently in the year 2022-2023, Award at the rate of Rs.87.73 per acre in respect of total 13 villages (Bhaini Doaba, Bhaini Shallu, Bhama Kalan, Chaunta, Gahlewal, Gujarwal Bet, Hyatpur, Koom Kalan, Ratangarh, Bhagpur, Raian, Marhewal and Rampur) was announced vide Award No.LR/02 of 2022 dated 29.04.2022, Award No.LR/04 of 2022 dated 21.07.2022, and Award No.LR/08 of 2023 dated 19.04.2023. The NHAI released the compensation amount to the Competent Authority and the compensation stands disbursed to some of the land owners of Villages Bhagpur and Raian, by the Competent Authority. NHAI subsequently challenged the above said

awards announced at the rate of Rs.87.73 Lac per acre before the Ld. Commissioner-cum-Arbitrator, Patiala. Due to the pendency of arbitral proceedings and foreseeing a law and order situation, the remaining possession could not be taken from the land owners.”(02 weeks' time is granted to remove the relevant hindrances).

f) Reply by way of short affidavit of Himanshu Aggarwal, the Deputy Commissioner, Jalandhar, has also been filed on behalf of respondent No.13 in Court today. The same is also taken on record. The relevant paragraphs of the affidavit supra, is extracted hereinafter:- **(till 30th April, time is granted to remove the relevant hindrances).**

“4. That as per the latest status of the pending possession of the National Highways Projects received from CALA-cum-DRO and PD NHAI Jalandhar, stretch of 4.7 KM in village Lohian Khas, Domana, Phull, and Gudhuwal of Tehsil Shahkot (Lohian) which is the part of "6 Lane Amritsar Bathinda Jam Nagar Green Field Express Highway Project" is left to be handed over to NHAI. This has been planned possession would be delivered by 30/04/2025 with police assistance upon harvesting of standing crop.

5. That similarly the possession of 6 lane Jalandhar Ring Road Bypass project stretch of 5.64 km was left out of which 1.29 km in the villages of Kala Bahian, Budhiana, Semi, Talhan, Qadianwali, Udhampur, Barsal and Shahpur has been taken over and delivered to NHAI in past one week. For the rest of the possession of 4.35 km, it would be delivered by 30/04/2025 with police assistance upon harvesting of standing crop.

6. *That the deponent has been making all possible and efforts to ensure the smooth and handover of possession to the NHAI in compliance with the orders of this Hon'ble Court, at the earliest. The deponent has taken necessary steps and issuing directions to facilitate the handover process without any unnecessary deponent remains committed delay. The to fulfilling his duty in accordance with the law continuously striving to resolve any impediments that may arise in the process. It is assured that the pending possession will be handed over to NHAI at the earliest after following the due process."*

g) Reply by way of short affidavit of Amit Kumar Panchal, IAS, the Deputy Commissioner, Kapurthala, has also been filed on behalf of respondent No.14. The same is also taken on record. The relevant paragraphs of the affidavit supra, is extracted hereinafter:- **(04 weeks's time is granted to remove the relevant hindrances).**

"4. That the answering deponent has been making all possible earnest efforts to hand over the pending possession to NHAI. Resultantly, as per the latest status of possession received from CALA and PD Jalandhar, out of total 13.88 KM acquired length, now only a small stretch of 80 meters in village Meera of Tehsil Sultanpur Lodhi which is the part of "6 Lane Amritsar Bathinda Jam Nagar Green Field Express Highway" Project is left to be handed over to NHAI.

5. *That the length of the pending possession has a Mint Plant Structure and Machines installed. Since, the possession holder was showing reluctance in handing over the possession, the notice for handing over the possession and removal of movable machines has been issued by the District CALA-cum-Revenue Officer,*

Kapurthala to him, failing which possession shall be taken after following due process.

6. *That in this regard directions to CALA and Police were issued to take up this matter on top priority and ensure that pending possession is handed over to NHAI expeditiously after following the due process.*

7. *That the deponent has been making all possible and diligent efforts to ensure the smooth and lawful handover possession to the NHAI in compliance with the orders of this Hon'ble Court, at the earliest. The deponent has taken necessary steps, including coordinating the relevant authorities, with issuing appropriate directions, and making repeated attempts to facilitate the handover process without any unnecessary delay. The deponent remains committed to fulfilling his duty in accordance with the law and is continuously striving to resolve any impediments that may arise in the process. Further, it is reaffirmed that the pending possession will be handed over to NHAI expeditiously, after following the due process.”*

h) Status report by way of affidavit of Sakshi Sawhney, Deputy Commissioner, Amritsar, on behalf of respondent No.5, and affidavit of Maninder Singh, IPS, Senior Superintendent of Police, Amritsar (Rural), on behalf of respondent No.24, have also filed in Court today. The same are also taken on record. The relevant paragraphs of the affidavit of Deputy Commissioner supra, are extracted hereinafter:- **(till 3rd May, time is granted to remove the relevant hindrances).**

“5. That it is humbly submitted that as of now, process for acquisition of land for the public purposes of building, maintenance, management and operation of the

National Highways in the general area of district Amritsar in the State of Punjab were legally initiated on the respective requisitions of the Ministry of Road Transport and Highways, Government of India, New Delhi, as envisaged under the National Highways Act No.48 of 1956, in relation to 5 (five) National Highways projects namely, (1) Delhi-Amritsar-Katra expressway (total length of 36.51 KM in district), (2) Beas-Dera Baba Nanak Package-1 (total length is 21.80 KM in district), (3) Amritsar Bypass Package-3 (total length 49.94 KM in district), (4) Amritsar-Mehta-Tanda-Una Road (total length 35.41 KM in district) and (5) Amritsar-Ramdas Highway (38.99 Km) However, the updated status of all the NHAI projects of acquired land is tabulated as under:-

Sr. No.	Project	Total Length	Pending Possession (KM)	Remarks
1	Delhi-Amritsar-Katra Expressway	36.51	0	N/A
2	Beas-Baba Bakala-Dera Baba Nanak	21.80	0	N/A
3	Amritsar-Ghoman-Tanda- Una	35.41	6.76	Project had been stopped earlier and credit limit has only been sanctioned in November, 2024 after a gap of 1.5 years. Now the compensation is being disbursed expeditiously and possession is being taken. As this is a brownfield project which is spread across 2 sub-divisions and a lot of structures are present, compensation for which has been paid and they are being demolished, there is a mismatch in the calculation pending possession as per office CALAs and NHAI. Joint demarcation will be held and balance possession will be given to NHAI.
4	Amritsar-Ramdas	38.99	0	N/A
5	Amritsar Bypass	49.94	0.64	Possession is pending in only stretch in Anjala which will be taken after the harvesting of standing crop.

6. *That it is humbly submitted that on 14.09.2024, deponent assumed charge as Deputy Commissioner, Amritsar by way of her posting through general transfers. It is further humbly submitted that since after assuming the charge in the office, deponent has periodically been holding the meetings with CALAs and other concerned officials to review and resolve the issues pertaining to the matter affecting the acquisitions of land for NHAI projects, from time to time.*

7. *That it is humbly submitted that the Regional Officer, NHAI in his affidavit dated 19.03.2025 filled before this Hon'ble Court and letter dated 21.02.2025 addressed to Learned Chief Secretary, has so far as stated that for Delhi-Amritsar-Katra Expressway, possession of 3.65 Km is pending and for 4 Km of land where possession was initially delivered, the possession has been retaken by the farmers and for Beas-Dera Baba Nanak Highway, possession of 500 Meter is pending and in 3 Km land where possession was handed over to NHAI, the contractor is not able to carry on construction work. It is, in this regard, humbly submitted that the only pending possession of Delhi-Katra Expressway spur-3 was pertaining to the area situated at village Verka in a length of 3.65 Km, in relation whereof there were different 3G Awards with two different Multiplication Factors announced by the CALAs which ultimately led to face resentment from the landowners on the compensation payable. NHAI had preferred to invoke the jurisdiction of Commissioner, Jalandhar Division, Jalandhar by way of filing an arbitration case, in relation whereof award has been passed in favor of NHAI ordering the application of lower Multiplication*

Factor in Verka. At the same time arbitrator passed an award enhancing the compensation for agricultural land in village Verka which was challenged by NHAI before the Court of Additional District Judge, Jalandhar. Thereafter vide order of Hon'ble Punjab & Haryana High Court in CWP 19799 of 2023 dated 20.03.2025; arbitration proceedings have been declared void. Thereafter, vide order bearing No. Reader/D.M./2/240-247 dated 28.03.2025 directions were issued to the Commissioner of Police, Amritsar to provide adequate police assistance to take possession in relation to the area situated at village Verka for the Delhi-Amritsar-Katra Expressway. Subsequently a massive possession drive with the assistance of police was held on 1.04.2025 and possession was successfully delivered to NHAI. Further on the request of NHAI, FIR No. 0027 dated 02.04.2025 under Section 132, 221 of BNS, 2023 has also been registered by the Police Station Verka (Amritsar Commissionerate, Amritsar) in respect of hindering of the government work. That it is humbly submitted that with regard to additional 4 Km, in relation whereof it has been asserted in the affidavit filed by Regional Officer, NHAI that possession had been taken back, it is, in this regard, humbly submitted that possession drives were initiated with the active support of the police department and accordingly, works have been resumed.

8. *That it is humbly submitted that similarly in respect of the Beas-Dera Baba Nanak project, the deponent in order to resolve the relevant issues, vide order bearing No. Reader/D.M./2/164-171 dated 6.03.2025 directed the Senior Superintendent of Police, (Amritsar Rural) to provide required adequate police force to ensure that the construction work being carried*

out by the NHAI is not hindered for Beas-Dera Baba Nanak project. Further, vide order dated Reader/D.M./2/256-63 dated 30.03.2025 directions were also given to the Senior Superintendent of Police, (Amritsar Rural) to provide adequate police assistance to the Contractor of NHAI. Apart therefrom, with extensive negotiations with the farmers, possession has been restored in the 3.5 Km length and works have been resumed by Contractor of NHAI. Further in different stretches across the highway totaling approximately 500m, NHAI had challenged the award of the CALA before the arbitrator and compensation as per award has not been released by NHAI. There also after negotiation with farmers right of way has been given to NHAI and work has started.

9. That it is humbly submitted that in order to ensure sustained possession and work by NHAI in projects where possession has been delivered, deponent, vide order No. Reader/DM/264-267 dated 01.04.2025 has already issued a Standard Operating Procedure for better coordination of NHAI contractor, the concerned Station House Officer and revenue officials. Vide these orders, the concerned SHO.s have been directed to resolve any issue raised by the contractor of NHAI within half an hour and if the issue is not resolved, the same be escalated by him to higher officials. True typed copy of the said SOP dated 01.04.2025 is annexed herewith as ANNEXURE R 5-1 for the kind perusal of this Hon'ble Court.

10. That it is further humbly submitted that many cases pertaining to the partition of the area under acquisition were pending in the courts of the Assistant Collector 1st Grade, due to which land owners were creating hindrances in the ongoing work of NHAI that

adversely affected the progress of the projects and thus, deponent in order to resolve this major issue, the deponent, vide office letter No. EA/BC-2/1050-58 dated 17.03.2025 and office letter No. EA/BC-2/104-49 dated 17.03.2025, issued special orders in relation to the area covered under the Beas-Dera Baba Nanak project and for the Amritsar Bypass project, respectively, thereby transferring all pending partition cases to the courts of respective CALAs for speedy disposal. True translated copies of the office letters No. EA/BC-2/1050-58 dated 17.03.2025 and No. EA/BC-2/104-49 dated 17.03.2025 are annexed herewith as ANNEXURE R 5-2/T and ANNEXURE R 5-3/T, for the kind perusal of this Hon'ble Court. 17.03.2025. The concerned CALAS has been hearing the cases on urgent basis and as a result of which the land owners have given written statement that they will no longer create any kind of hindrance in the work of NHAI in the land acquired.”

i) Status report by way of affidavit of Sagar Setia, IAS, Deputy Commissioner, Moga and a short reply by way of an affidavit of Ajay Gandhi, IPS, Senior Superintendent of Police, Moga on behalf of respondents No.17, 51 and 75 have also been filed in Court today. The same are taken on record as well. The relevant paragraphs of the affidavit supra, are extracted hereinafter:-(04 weeks's time is granted to remove the relevant hindrances).

“4. That out of the total length of 99.9 Km, possession of 98.06 km (More than 98%) has been handed over to NHAI, and 1.84 Km (less than 2%) is pending, as explained

below. The updated status of possession in all three projects is as follows:-

Sr. No.	Project	Total Length(in District Moga(Pending Possession (KM)	Remarks
1	NH-754A, Package	9.8 Km	0.4 km	1) Possession of 0.3 km in Village Aadramaan is pending and will be handed over to NHAI after the harvesting of crops. 2) Possession of 0.1 km in Dharamkot is pending as the award passed by the Arbtrator has not yet been approved by NHAI. Once the award is approved, compensation will be disbursed, and possession will be taken.
2	NH754A, Package 2	50.0 km	0.99 km	(1) Possession of 0.50 km in Village Buhipura is pending in compliance with the Hon'ble Supreme Court of India's orders dated 19.12.2024, directing status quo and requesting the High Court to decide the pending matter in CWP No.18944/2024 within three months (Annexure R1). The case is scheduled for hearing before the Hon'ble Punjab and Haryana High Court, Chandigarh on 07.04.2025. (2) Possession of the remaining strech of land will be taken after the harvest crops.
3	NH 105 B	40.1 Km	0.45 km	(1) Possession of a 100 m strech is pending in Bahapurana. Of this 40M falls under a cement factory, where the award passed by the Arbitrator has not been approved by NHAI. As per verbal communication, NHAI is challenging the award. The remaining 60m is under a feed factory, and the award passed by CALA is pending for approval with NHAI. (2) Possession of a 100m strech is pending in Village Singhawala, as the award challenged by NHAI is pending under arbitration. (3) Possession of a 250m strech is pending in Village Duneke due to the unavailability of funds for compensation disbursement with CALA. Multiple letters have been sent to NHAI regarding this issue.
TOTAL				
		99.9 km	1.84 km	

4. *That 100% encumbrance-free possession in all three projects will be delivered by 30th April, subject to any orders passed by any competent court, and subject to the condition that required actions are completed by NHAI (e.g., approval of any award passed by CALA, etc.).*

j) Status report in the form of affidavit of Amarpreet Kaur Sandhu, IAS, Deputy Commissioner, Fazilka (respondent No.10), and short reply by way of an affidavit of Varinder Singh Brar, PPS, Senior Superintendent of Police, Fazilka, have also filed in Court today. The same are also taken on record. The relevant paragraph of the affidavit of supra, is extracted hereinafter:- **(till 30th April, time is granted to remove the relevant hindrances).**

9. *That it is respectfully submitted that in the meeting held on 12.03.2025, it was also resolved that some time may be given to the occupants/farmer organizations to harvest the Rabi Crop. However, if the occupants do not vacate the said land after harvesting of Rabbi crop, the said area will be got vacated by taking police assistance and its encumbrance free possession will be handed over to the petitioner NHAI.*

Sr. No.	Name of the Project	Pending possession	Issue brought to notice by NHAI	Remarks by CALA and PD concerned
1	4 Laning of Abohar to Fazilka Section of NH-07	1.77 Km	1.77 Km of length in village Abohar-2 (Pakka Seed Farm) possession not delivered	This piece of land in owned by the provincial Government, which is occupied since long by around 25 persons who are recorded as “Gair Marusi” in revenue record. Above said persons alongwith farmer organizations refused to handed over the possession and demanded compensation as per amount awarded to private owners. In spite of using police force, as it may worsen law and order situation, negotiations were pursued.

				As per negotiation above said persons will give possession after Rabi Crop harvesting. If they fail to give possession, possession will be taken with help of police force.
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k) Reply by way of an affidavit of T Benith, Deputy Commissioner, Barnala, respondent No.6 has also filed in Court today, and the same is also taken on record. The relevant paragraph of the affidavit of supra, is extracted hereinafter:- **(till 30th April, time is granted to remove the relevant hindrances).**

7. That it is it is submitted that sensing the gravity of the matter, instant action, from 07.03.2025 onwards, was initiated on the ground with outreach efforts made to all the landowners who were hesitant and opposing the construction work of the Ludhiana Bathinda project.
8. That it is submitted, that in the context, the District Administration engaged in meetings with the landowners on the following dates:-

Sr. No.	Date	Place	Event
1.	07.03.2025	Village Badhata and Village Senha	Spots were visited and in the issues raised by the land owners were discussed in detail with the landowners and resolution qua the same were also briefed to the landowners and efforts undertaken to resolve the issues.
2.	10.03.2025	Deputy Commissioner office, Barnala	Meeting was held by the answering deponent with the NHAI Authorities to discuss the issues being raised by the landowners and to find suitable resolution within the ambit of law. The proceedings of the meeting are annexed as Annexure R-1 .
3.	13.03.2025	Village Sehna	The CALA-cum-District Revenue Officer Barnala, visited the site in Village Sehna and briefed the land owners about the lawful methods to resolve their issues qua compensation.
4.	17.03.2025	Deputy Commissioner Office, Barnala	The answering deponent and the Senior Supdt. of Police Barnala, with the PD NHAI, discussing the way forward with the issues being presented by the land owners and to take necessary action regarding the possession. The proceedings of the meeting are annexed as Annexure R-2 .

5.	18.03.2025	Deputy Commissioner Office Barnala.	Meeting was conducted by the answering deponent, the PD NHAI, the SP (Headquarters) Police with the representatives of the farmer unions whereby the issues presented by them were discussed threadbare and appeals made to assist the NHAI in timely completion of the work. The proceedings of the meeting are annexed as Annexure R-3 .
6.	18.03.2025	Village Ramgarh	The CALA-cum-District Revenue Officer Barnala, alongwith the representatives from the NHAI, visited the site in Village Ramgarh, where a critical piece of land was required for the NHAI to undertake construction of an intersection/loop area.
7.	27.03.2025	Deputy Commissioner Office Barnala.	The answering deponent along with the Senior Supdtt. Of Police, Barnala to discuss the workable streches where the land owners can be convinced to allow the NHAI to undertake work before the harvest of the crop. The proceedings of the meeting are annexed as Annexure R-4 .
8.	28.03.2025	Deputy Commissioner Office Barnala.	Meeting was undertaken by the answering deponent with the landowners of Village Badhata, who had been offering stiff resistance and the land owners were personally appealed to by the answering deponent to receive compensation, which was being refused by them and to allow unhindered work in the project. The proceedings of the meeting are annexed as Annexure R-5 .

9. That, it is submitted that the District Administration has been making constant and continuous efforts since the matter of hindrances being faced by the NHAI was brought into the notice of the District Administration and that above mentioned meetings and engagements were done with the landowners within a span of 20 days to enable the NHAI to work in a peaceful and conductive environment.
- 1) Compliance affidavit submitted by Showkat Ahmad Parray, Deputy Commissioner, Bathinda, has also been filed in Court today. The same is also taken on record.
3. Learned counsel for the petitioner submits that no pending issue is left with respect to possession of the land in District Bathinda.

m) With regard to the projects in District Hoshiarpur, Sri Muktsar Sahib and one project in Gurdaspur, there is no issue, as on date with regard to the possession of the land.

4. Therefore, the all concerned, are directed to ensure that encumbrances free delivery of possession of the relevant tract(s) of land(s) becomes made to the NHAI, so that thereovers expeditious execution of works becomes undertaken. Moreover, the further impediments which require immediate action on the part of the NHAI Authorities, through their makings motions, before the courts of law, be also expeditiously initiated, so that on or before the subsequent date of hearing, the status report in the said regard becomes instituted before this Court.

5. Since this Court in the judgment rendered in CWP No.19799 of 2023, titled as **“Sohan Lal and others Vs. Union of India and others”**, has invalidated the provisions of Section 3(g) of the National Highways Act, 1956, (for short “the Act of 1956”), thereby, the remedy to the aggrieved from the Award of the learned Collector concerned, appointed under the NHAI Act, appertaining to the enhancement of compensation, thus in terms of the decision recorded in **Union of India and Another Vs. Tarsem Singh and others, reported in 2019 (4) R.C.R. (Civil) 431**, be canvassed before this Court. Therefore, the pendency of the arbitration proceedings may not be a valid deterring ground, nor shall work for an obstacle, if any for the assumption of possession over the subject land(s) by the NHAI. If any, obstacle, is raised at the instance of any land losers concerned, then in terms of the previously passed directions by this Court, the same being ensured to be eased through all the deployments', as referred therein.

6. Mr. Bagri, learned counsel for the applicants has filed an application i.e. **CM-5185-CWP-2025**, wherein, he has claimed relief for

impleading the applicants as intervenors. The said application is misconstituted, as the intervenors, has/have no *locus standi*, on the ground that the award has been passed in respect of the relevant acquired lands. Resultantly when in terms of the supra rendered verdict by this Court, whereby the provisions incorporated in 3(g) of the Act of 1956, have been annulled, besides when consequently thereto relief for enhancement may become agitated through a writ petition becoming filed in terms of the declaration of law made in Tarsem Singh's case (supra). Consequently the said remedy for seeking enhancement of compensation be endeavoured by the applicant in respect of the deficiency of awarded sums of compensation both *vis-a-vis* vacant lands besides, also in respect of the non/passing of structural awards. Moreover, if awards relating to the acquisition of structure are not yet passed, thereupon, the learned Collector(s) concerned, are directed to forthwith pronounce the awards in respect thereof, but in accordance with law and definitely before the subsequent date of hearing.

7. Additionally, if awards, become passed in respect of the apposite subject structures, and, yet there is unlawful retention of such lawfully acquired subject structures, thereupon, the authorities concerned, may endeavour to undertake the statutorily contemplated mechanism(s), thus, for ensuring the freeing of the structures from occupation(s) thereovers by the landloosers concerned.

8. List for afore purpose, list again on 05.05.2025.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

April 04, 2025
Anjal/Varinder