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WP-12162-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK AGARWAL

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HON'BLE SHRI JUSTICE AVANINDRA KUMAR SINGH

ON THE 19th OF AUGUST, 2026WRIT PETITION No. 12162 of 2026*KAUSHALYA DEVI**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Mahendra Singh Lodhi - Advocate for the petitioner.**Shri Anubhav Jain - Government Advocate for the State.**Shri Mohan Sausarkar - Advocate for respondent No.4.*
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ORDER

Per. Justice Vivek Agarwal

This petition is filed pleading that petitioner's land was acquired for the purpose of construction of a National Highway.

The petitioner's contention is that some of the land contained in Khasra No.633/1 was used for construction of the National Highway, whereas 0.043 hectares land of village- Kemar is lying unutilized after construction of the National Highway. Therefore, the petitioner seeks a direction be issued to the respondent to return that land in favour of the petitioner.

Shri Anubhav Jain, learned Government Advocate, in his turn, submits that this issue has already been dealt with by two learned Single Judges vide



order dated 16/08/2016 passed in *Dayanand vs. Union of India (W.P.No.122/2016)* and order dated 22/08/2022 in *(Dadhiram Jatav vs. Project Director, National Highway Authority of India & others (W.P.No.18733 of 2022))* to the effect that once the land was acquired and compensation was duly paid in favour of the person from whom land was acquired, then there being no provision for return of such land, which stood vested in the Union of India, both the learned Single Judges refused to show indulgence.

At this stage, Shri Mohan Sausarkar placed reliance on Division Bench order dated 09/01/2024 passed in *Pradeep Pandey & others vs. The Collector Sagar, District Sagar & others (W.P.No.11463 of 2024)*, wherein the Hon'ble Division Bench considered Section 101 of the Act, 2013 as well as the judgment of the Hon'ble Supreme Court in the case of *Project Director National Highways vs. M. Hakeem in SLP (Civil) No.13020 of 2020* decided on 20/07/2021, and has refused to grant any relief.

However, on perusing the order of the Hon'ble Division Bench, we are of the opinion that the judgment is not in regard to National Highway Authority. It is in regard to land acquisition under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Therefore, the judgment of the Division Bench in *Pradeep Pandey (supra)* is not application to the facts and circumstances of the present case.

However, the decisions of learned Single Judges in *Dayanand (supra)* and *Dadhiram Jatav (supra)* are identical on the aspects of land acquired



under the National Highways Act. In *Dadhiram Jatav (supra)*, learned Single Judge has dealt with Section 3D of National Highways Act, 1956, and has also noted the judgment of the Supreme Court in case of *Leelawanti and others vs. State of Haryana and others, (2012) 1 SCC 66*. Thereafter, learned Single Judge has noted that, in the present case, since the land was acquired for the purposes of construction of a highway and there being no provision under the National Highways Act for return of land, Union of India cannot be directed to do the needful.

No material contrary to the aforesaid judgment has been brought to our notice. Therefore, the ratio of law laid down in *Dadhiram Jatav (supra)* shall follow the course in the present case.

Accordingly, petition fails and is dismissed.

(VIVEK AGARWAL)
JUDGE

(AVANINDRA KUMAR SINGH)
JUDGE

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