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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 17th November, 2026
Uploaded on: 19th November, 2026

\# **CNR No. DLHC010545302026**

\+ **W.P.(C) 16803/2026, CM APPL. 78503/2026 & CM APPL. 78504/2026**

ARUN DABAS .....Petitioner

Through: Mr. Rajesh Yadav, Senior Advocate with Mr. Dhananjay Mehlawat, Advocates

versus

UNION OF INDIA AND ORS. .....Respondents

Through: Mr. Brijesh Yadav, SPC with Ms. Nikita, Mr. Sandeep Yadav, Mr. Anirudh Nagar, Mr. Kunal Chaudhary & Mr. Kailash Kumar, Advocates for R-1/UOI.
Mr. Rohan Tripathi, GP for UOI
Ms. Qurratulain, Mr. Anil Kumar Goyal and Ms. Shagun Mihra, Advocates for R-2/NHAI
Mr. Sanjay Kumar Pathak, Standing Counsel with Mr. Sunil Kumar Jha and Mr. M. S. Akhtar, Advocates for R-3

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DINESH BHATT

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

2. This matter is being taken up today for hearing as 16th November, 2026

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was declared a holiday on account of ***Chhath Puja*** vide ***Notification No.110/G-4/Genl.-I/DHC*** dated 11th November, 2026.

3. The present petition has been filed by the Petitioner- Shri Arun Dabas under Articles 226 and 227 of the Constitution of India, *inter alia*, assailing the order dated 6th October, 2026 passed by the Competent Authority (Land Acquisition), District Outer North *(hereinafter, 'CALA')*.

4. The brief background of the case is that, a notification dated 24th June, 2026, under Section 3A of the National Highways Act, 1956 *(hereinafter, 'NHAI Act')* was issued for acquiring various parcels of land.

5. The purpose for which the said acquisition was undertaken was for the **`*Maintenance, management and operation of the newly proposed extension of Delhi-Amritsar-Katra Expressway*'** in District Outer North in Delhi.

6. The details of the various lands proposed to be acquired *vide* the said notification, are set out in the Schedule appended to the said notification. The Petitioner is concerned with the lands mentioned at *serial Nos. 433, 434* and *448*, in the village of *Rani Khera (hereinafter, 'the subject land')*. The descriptions of the said lands, as per the schedule, is set out below:

SCHEDULE

Brief Description of the land to be acquired with or without structures falling Newly Proposed in the stretch of land from Km. 10.250 to Km. 17.160 (Extension of Delhi-Amritsar-Katra Expressway (DAK/NE-5) till UER-II (NH-344M) in the district of Outer North in the state of DELHI

Village : Rani Khera					
433	*14// 10 Min*	*Private*	*Agriculture*	*0.0498162 (Bigha)*	*0.0042*
434	*14// 2*	*Private*	*Agriculture*	*2.450483 (Bigha)*	*0.2066*
xxx	*xxx*	*xxx*	*xxx*	*xxx*	*xxx*

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448	*2//22*	*Private*	*Agriculture*	*4.400431 (Bigha)*	*0.371*

7. The Petitioner filed objections under Section 3C of the NHAI Act, which were heard by the competent authority and were disposed of by the impugned order dated 6th October, 2026.

8. Mr. Yadav ld. Senior Advocate submits that under Section 3C of the NHAI Act, the land owners can only object to the use of the land, and cannot raise any other challenges.

9. The Petitioner's main objection, *inter-alia*, is in respect of the description of the subject land as *agricultural land*.

10. Ld. Sr. Counsel for the Petitioner submits that as per the notification dated 16th May, 2017, issued under Section 507 of the Delhi Municipal Corporation Act, 1957, by the Department of Urban Development, village *Rani Khera* has already been declared as an *urban area*. In view of the said notification dated 16th May, 2017, it is the case of the Petitioner that the subject land could not have been described as an *agricultural land* in the notification issued by the NHAI.

11. The further submission of ld. Sr. Counsel for the Petitioner is that, once a notification is issued describing the land as an *agricultural land*, the compensation is also determined accordingly, and hence, enormous prejudice would be caused to the Petitioner, who would not be paid in terms of the market value of the said land, as it exists today.

12. Ld. Sr. Counsel has relied upon the following judgements passed by this Court, under similar circumstances:

(i) W.P. (C) No. 5822/2018, titled as ***'Anubhav Chand Kathuria vs. Union of India & Ors.'*** order dated 19th February, 2019.

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(ii) W.P. (C) No. 6117/2018, titled as ***'Manju Arora & Anr. vs. Union of India & Ors.'*** order dated 30th May, 2018.

(iii) W.P. (C) No. 1179/2019, titled as ***'Manju Arora vs. Union of India & Ors.'*** order dated 14th August, 2020.

13. On behalf of National Highways Authority of India *(hereinafter, 'NHAI')*, ld Counsel submits that the issue of compensation is to be determined in proceedings under Section 3G of the NHAI Act and, not at this stage.

14. Further, ld. Counsel for the NHAI submits that the compensation shall be paid in terms of the amount determined by the Competent Authority. It is further urged that, in the event the Petitioner has any objection to the quantum of compensation so determined, reference of the dispute to arbitration can be sought. The Central Government appoints the Arbitrator, as per Section 3G of the Act. Accordingly, it is her submission that the issue relating to quantum of compensation cannot be adjudicated by this Court in exercise of writ jurisdiction.

15. The Court has considered the matter. The description of any property has a major impact on the compensation which is to be paid to the land owners.

16. There can be no doubt that lands are required to be acquired for the execution of public infrastructure projects. At the same time, however, the law equally mandates that due compensation be paid to the landowners in accordance with law.

17. NHAI has a unique status under the NHAI Act, wherein land

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acquisition for a public purpose is undertaken through an expedited process. Accordingly, at the stage of proceedings under Section 3C of the NHAI Act, objections are confined to the proposed use of the land.

18. In so far as the Petitioner is concerned, his case is that the subject land has been wrongly described as an *agricultural land*.

19. The *Rani Khera* village has been declared as an *urban area*, in terms of the notification dated 16th May, 2017, issued by the Department of Urban Development, which reads as under:-

DEPARTMENT OF URBAN DEVELOPMENT
NOTIFICATION
Delhi, the 16th May, 2017

No. F. 7/79/ADLB/2016/CD-000383132/3827-3841 *.-In exercise of the powers conferred by clause (a) of section 507 of the Delhi Municipal Corporation Act, 1957 (66 of 1957), the Lt. Governor of the National Capital Territory of Delhi is pleased to declare that the areas of villages mentioned in column 3 of the Schedule below and falling in the revenue estate I zone mentioned in column I, hitherto part of the rural areas, shall, cease to be the rural areas and shall be deemed as Urban areas, namely:-*

Planning Zone	***S/No.***	***Name of village North DMC -50 Villages***	***Particulars of the Area Urbanised***
1	***2***	***3***	***4***
Zone 'K-I' 5 No.	*1*	*Kamruddin Nagar*	*The old abadis as well as the entire Revenue Estate of the said village declared as Urban*
Xxxx	*xxxx*	*xxxx*	*xxxx*
Zone 'N' 21 Nos.	*22*	*Rani Khera (Part in Zone M)*	*----do----*

20. A perusal of the above notification would show that the village of *Rani*

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Khera has been declared as an *urban area*. However, at this stage, ld. Counsel for NHAI submits that since the demarcation, etc. of the lands may not have been carried out, the NHAI goes only by the revenue records.

21. In so far as the CALA is concerned, it is submitted that the authorities proceed on the basis of *record of rights*, though the subsequent notifications may have declared the land as *urban land*.

22. Ld. Sr. Counsel for the Petitioner has also placed reliance on the decision in ***Mohinder Singh (Dead) Through LRs Anr. vs. Narain Singh & Ors.***, ***(2023) 19 SCC OnLine SC 535***, wherein the Supreme Court has held that if an area is declared as an urban area, the Delhi Land Reforms Act would not be applicable. The relevant portion of the said judgement is set out below:-

> *"xxxx xxxx xxxx*
>
> *29. The 1957 Act has been primarily enacted to have a uniform body to administer the Delhi Municipal Corporation to consolidate various bodies, local authorities, looking after the municipal affairs and to centralise for better administration and to overcome the problems being faced by various authorities as well as by the public.*
>
> *30. Section 2(52) defines the "rural areas" which demonstrates that the area of Delhi which immediately before the establishment of a Corporation, falls within the local limits of the District Board of Delhi, be considered to be the rural area but that shall not include such portion thereof which by virtue of notification under Section 507 declared to be urbanised and it ceases to be included under the term "rural areas" and Section 2(61) defines "urban areas" as the areas of Delhi which are not rural areas.*
>
> *31. To simplify it further, once there is a*

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notification issued by the competent authority in exercise of power under Section 507(a) which is a special provision in reference to rural areas, such of the rural areas cease to be included therein upon issuance of the notification and shall thereafter include in and form part of the urban areas in terms of the notification. Sub-clauses (b) and (c) of Section 507 deals with the nature of grant of exemption or levy of taxes for such of the areas falling within the scope and ambit of the 1957 Act.

32. At the same time, Section 502 on which the learned counsel for the appellants has given more emphasis, it only provides that this Act (the 1957 Act) shall not be construed authorising disregard to any law for the time being in force and rightly so for the reason, that scope and ambit of the 1954 Act, in no manner, has to be disregarded by the provisions of the 1957 Act.

33. At this stage, if we look into the Delhi Development Act, 1957 (hereinafter being referred to as "the DDA Act"), it nowhere makes a distinction in the nature of land whether it is rural or urban, as the case may be. The DDA Act, 1957 is enacted with an object of development of Delhi according to sanctioned plan and for matters ancillary thereto. If we consider the term "development" as defined under Section 2(e) of the DDA Act, it clearly notifies that such of the area which has been declared to be a development area under Section 12, after publication in the Official Gazette, shall be considered a development area within the purport of the Act and it is a complete code in itself for the purpose of disposal of land. The expression "land" in Section 2(1) is in reference to the Land Acquisition Act, 1894.

xxxx xxxx xxxx

35. So far as the DDA Act is concerned, it is only

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for the purpose of development of Delhi according to the sanctioned master plan and zonal development plan notified under Section 7 of the Act and for matters ancillary thereto regardless of fact whether it is a rural area or urbanised which is for different purposes covered by the provisions of the 1954 Act and the 1957 Act.

36. After harmonising the provisions of the 1954 Act and the 1957 Act, we are of the considered view that once a notification has been published in exercise of power under Section 507(a) of the 1957 Act, the provisions of the 1954 Act cease to apply. In sequel thereto, the proceedings pending under the 1954 Act become non est and loses its legal significance.

37. We approve the view expressed by the Division Bench of the High Court in Indu Khorana which was later followed in the judgment impugned by the Division Bench of the High Court dated 22-11-2012*."*

23. In so far as the acquisition itself is concerned, there cannot be any modification to the notification dated 24th June, 2026 issued by the NHAI, at this stage. However, as part of the process of determining the compensation payable, the Competent authority as also the Arbitrator would be duly empowered to decide whether the land has been properly described as `agricultural land' or whether it needs to be considered as an `urban area'.

24. At this stage, it would be apposite to refer to Section 3G of the NHAI Act which is set out below:

"3G. Determination of amount payable as compensation.—
(1) Where any land is acquired under this Act, there shall be paid an ***amount which shall be determined by***

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an order of the competent authority.

(2) Where the right of user or any right in the nature of an easement on, any land is acquired under this Act, there shall be paid an amount to the owner and any other person whose right of enjoyment in that land has been affected in any manner whatsoever by reason of such acquisition an amount calculated at ten per cent. of the amount determined under sub-section (1), for that land.

(3) Before proceeding to determine the amount under sub-section (1) or sub-section (2), the competent authority shall give a public notice published in two local newspapers, one of which will be in a vernacular language inviting claims from all persons interested in the land to be acquired.

(4) Such notice shall state the particulars of the land and shall require all persons interested in such land to appear in person or by an agent or by a legal practitioner referred to in sub-section (2) of section 3C, before the competent authority, at a time and place and to state the nature of their respective interest in such land.

(5) If the amount determined by the competent authority under sub-section (1) or sub-section (2) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government.

(6) Subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to every arbitration under this Act.

(7) The competent authority or the arbitrator while determining the amount under sub-section (1) or sub-section (5), as the case may be, shall take into consideration—

(a) ***the market value of the land*** *on the date of publication of the notification under section 3A;*

(b) the damage, if any, sustained by the person

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> *interested at the time of taking possession of the land, by reason of the severing of such land from other land;*
> *(c) the* ***damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other immovable property in any manner, or his earnings****;*
> *(d) if, in consequences of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.*

25. A perusal of the aforesaid provision makes it clear that the compensation is to be determined by the competent authority. While making such determination, the market value of the land is to be considered and the damage which the person suffers is also to be taken into account. The compensation has to be adequate and also consider the impact of the acquisition on the earnings of the person concerned. The injury caused by the acquisition is also to be considered. Expenses to be incurred due to change of residence or business has to be borne into consideration. In the event that the amount so determined is not acceptable to either of the parties, the same is liable to be determined by the Arbitrator. Similar factors have to be considered by the ld. Arbitrator as well.

26. Similar issues have been dealt with previously in certain decisions.

27. In ***W.P. (C) No. 5822/2018***, titled as ***Anubhav Chand Kathuria vs. Union of India & Ors.***, under similar circumstances involving village *Bamnoli*, the co-ordinate bench of this Court has held that the competent authority and the Arbitrator would have the jurisdiction to decide all the issues raised by the land owners. The relevant portion of the said judgment dated 19th February, 2019 reads as under:-

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"[...] 20. This Court has considered the above submissions. ***Section 3G of the NH Act delineates the scope of the powers of the CA for determining the compensation payable for land acquired in exercise of the powers under the NH Act. Section 3G (7) spells out four factors that are required to be taken into consideration either by the CA or by the Arbitrator while determining compensation. Therefore, the scope of the powers of the CA and the Arbitrator in regard to the determination of compensation is no different. In other words, what the CA can do under the NH Act, as far as the determination of compensation is concerned, can well be done by the Arbitrator. If the CA can, as has been contended both by the counsel for the Petitioners as well as the NHAI, make corrections to the factual errors in the notifications issued under Sections 3A and 3D of the NH Act, so can the Arbitrator.***

21. Therefore, as far as the present cases are concerned, the Petitioners need not harbour any apprehension that the Arbitrator will not be able to exercise the same powers of the CA. ***In other words, as far as the present cases are concerned, when both the Petitioners and the NHAI have agreed that the CA can correct the factual errors in the notifications issued under Section 3A or 3D of the NH Act and correct the type of the land as 'private' instead of 'government', the Arbitrator can make similar changes.***

22. ***By the same logic, if the Petitioners contend that the nature of the land should not be treated as 'agricultural', that plea can also be examined by the Arbitrator notwithstanding the fact that the CA has not agreed with the Petitioners in that regard in W.P(C) 5831/2018. In other words, the Arbitrator can and will examine the plea of the Petitioners that in view of the notifications issued under Section 507 of the DMC Act, and the subsequent notifications under the DDA Act, the lands in question are in fact urbanized villages, where the circle rate is much***

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higher than what has been applied by the CA in the impugned order.

23. As already stated on behalf of the NHAI, no objections will be raised by the NHAI before the Arbitrator that he has no jurisdiction to examine such plea. Whether such a plea is tenable on merits is another issue altogether. That will be decided by the Arbitrator by applying his mind to the material placed before him, both by the Petitioners and the NHAI.

24. As regards the plea that the DM as appointed by the Central Government under Section 3G (5) of the NH Act will not act impartially, this Court notes that under Entry 1 of the Seventh Schedule to the AC Act, an employee of one of the parties would be disqualified to act as an Arbitrator. Here, the Central Government itself is not a party to the arbitration. It is the NHAI which is acquiring the land and which is going to be paying compensation for such acquisition, and is a party to the proceedings. Admittedly, the DM is not an employee of the NHAI. Consequently, the Court is unable to agree with the submissions of learned counsel for the Petitioners that the DM is disqualified from acting as an Arbitrator in terms of Section 12 (5) of the AC Act read with the Seventh Schedule thereof.

25. On the general plea that the remedy of arbitration is not efficacious and that the further challenge under Section 34 of the AC Act would be on very narrow grounds, the Court notes that the Petitioners have not challenged the constitutional validity of either Section 3G (1), (5) or (6) of the NH Act. It is, therefore, not open to the Petitioners to argue that the remedy of arbitration is not efficacious.

26. ***The Court also notes that where an efficacious alternative remedy is provided under the statute itself, in this case the NH Act, the High Court exercising jurisdiction under Article 226 of the Constitution would generally be reluctant to interfere. In the present case, this Court for the***

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reasons aforementioned, is of the view that the Petitioners should pursue their remedy before the learned Arbitrator in terms of Section 3G (5) read with Section 3G (6) and (7) of the NH Act.

27. Mr Yadav, learned counsel for the Petitioners, referred to a large number of decisions on how the compensation should be determined in respect of the lands which are not agricultural land.

28. This Court would not like to express any view on any of the submissions of either the Petitioners or the NHAI as regards the merits of the Awards passed by the CA. All of the submissions urged in the present petitions, and any other additional submissions that the Petitioners may have, as well as the response thereto of the NHAI are left open to be urged before and considered by the Arbitrator in accordance with law. The Court takes on record the statement on behalf of the NHAI that in the said arbitration proceedings the NHAI will not raise an objection as to the jurisdiction and power of the Arbitrator to correct factual errors in the notifications under Sections 3 A and 3 D NH Act and that he can examine the Petitioner's claim for higher compensation notwithstanding that the objections filed by the Petitioners under Section 3C of the NH Act were rejected by the CA."

28. Similarly, in ***W.P. (C) No. 6117/2018*** titled ***'Manju Arora & Anr. vs. Union of India & Ors.'***, ld. Single Judge of this Court, *vide* order dated 30th May, 2018 has observed as under:-

"*[...] 14. To be noted,* ***compensation is required to be determined under Section 3(g) of the Act, therefore, that stage has not been reached yet.***

15. In these circumstances, the writ petition is disposed of with direction that notwithstanding ***the description of the subject land as agriculture in the notification dated 12.01.2018, the petitioners will be at liberty to contend that***

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because the subject land was used for commercial purposes, the compensation, if any, payable to them should be the same that ought to be paid qua a commercial property.

15.1 Accordingly, ***the concerned authority will while determining the compensation hear, inter alia, submissions, if any, advanced in this behalf by petitioners and decide the issue after taking into account the submission and material placed before it in that regard,*** *albeit, in accordance with law."*

29. Further, in ***W.P. (C) No. 1179/2019*** titled as '***Manju Arora vs. Union of India & Ors.***' *vide* order dated 14th August, 2020, a co-ordinate bench of this Court has, under similar circumstances, observed as under:-

"[...] 11. ***However, once we have shown our disinclination to entertain the challenge to the Section 3G determination in the writ jurisdiction owing to the remedy of arbitration available, the counsel for the petitioner, drawing attention to paragraphs 20, 23 and 28 of Anubhav Kathuriasupra, where the counsels for NHAI and CALA had conceded that the powers of the Arbitrator are the same as of the CALA and all questions, as urged before CALA, can also be urged before the Arbitrator, has not pressed the said aspect further.*** *For this reason, we do not deem it apposite to detail the arguments of the counsel for the petitioner before us in this regard or to deal with the same.*

12. As aforesaid, the challenge to the District Magistrate as Arbitrator, has already been negated.

13. The counsel for the respondent No. 2NHAI, in addition to Anubhav Kathuriasupra has also drawn attention to ***Vishwasrao Dattatray Kachare Vs. Union of India*** *2017 SCC OnLine Bom 451,* ***Surendra Kumar Chhabda Vs. State of Chattisgarh*** *MANU/CG/0693/2017*

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and ***National Highways Authority of India Vs. Sayedabad Tea Company Ltd. & Ors.****, 2019 SCC Online SC 1102, to contend that therein also,the Courts have held that since the appointment of Arbitrator under Section 3G(5) of the National Highways Act is by Central Government and not by NHAI, which has acquired the land, the appointment of Arbitrator by the Central Government is not bad under the Arbitration and Conciliation Act and merely because the District Magistrate has been appointed as the Arbitrator, there is no presumption that would be biased in favour of NHAI.*

14. ***We thus dispose of this petition, declining the reliefs claimed in prayer paragraphs in terms of Anubhav Kathuriasupra and by clarifying that the disposal of this petition and the description of the land as agricultural in Sections 3A, 3D and 3G notifications, would not come in the way of the petitioner contending in the arbitration proceedings under Section 3G(5) of the National Highways Act, that the land is commercial and that the petitioner is entitled to compensation at commercial and not agricultural rates, and by reiterating the statements of the counsels for the NHAI and CALA as contended in Anubhav Kathuriasupra, that they would not object to such claim of the petitioner on the ground of Arbitrator not having the jurisdiction to go into the said question****.*

15. The counsel for the petitioner has also stated that the husband of the petitioner is a '1971 War Veteran' and is not being released the compensation already deposited, for frivolous reasons and is being harassed."

30. Thus, the NHAI, in view of the decisions cited above, cannot take any objection as to the jurisdiction of the CA or the Arbitrator in deciding the issue as to whether a land is agricultural land or is to be classified as urban area.

31. Thus, the description of the subject land, which is given in terms of

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Section 3A(2) of the NHAI Act, would only be the description at the initial stage, and the same would not, in any manner, preclude the competent authority or the Arbitrator from examining whether the said description is right or wrong or determining whether the compensation is liable to be assessed on the basis of the land being classified as *agricultural land* or *urban land*.

32. The competent authority, in the said case, is fully empowered, while determining the amount of compensation payable, to also examine whether the subject land was correctly described as *agricultural land* or not and, consequently, determine the compensation payable for the subject land, particularly in view of the notification dated 16th May, 2017, issued by the Department of Urban Development.

33. In fact, the competent authority has already, *vide* the impugned order dated 6th October, 2026 observed as under:-

> *"Accordingly, the objections raised by the Farmers/ Landowners, having been heard in detail and disposed off to the extent that they seek to challenge the proposed acquisition on grounds beyond the limited scope of Section 3C of the National Highways Act, 1956.*
>
> ***The submissions relating to revenue particulars, Khasra numbers, area and nature/type of land shall, however, be examined with reference to the relevant revenue records, wherever required, before further action in the matter.***
>
> *Accordingly, the objections are disallowed in the above terms. Further action in respect of the proposed acquisition shall be taken in accordance with the provisions of the National Highways Act, 1956 and other applicable rules, orders and directions."*

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34. Bearing the above order in mind, it is clear that the submissions made by the landowners are required to be examined by the competent authority with reference to the relevant revenue records, as well as any subsequent notifications issued by the concerned authorities, insofar as the nature and classification of the subject land is concerned. The amount of compensation would undoubtedly be impacted by the classification of the land as urban or agricultural. Urban land is capable of fetching of higher returns and the market value of such lands could be higher, depending upon the facts of each case.

35. The present petition is according disposed of with the direction that the competent authority shall, before determining the compensation payable for the subject land, also examine and decide whether the description of the subject land is correct and determine the compensation on that basis.

36. The Arbitrator would also be entitled to exercise similar power as the competent authority, and NHAI would not raise any objections at that stage.

37. Needless to add, the remedies, if any, available to the parties against the order passed by the competent authority or the arbitrator are left open.

38. It is made clear that this Court has not opined on the merits of the case.

39. The petition is disposed of in these terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

NOVEMBER 17, 2026
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