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(Judgment reserved on 08.04.2026)

(Judgment delivered on 28.04.2026)

2026:AHC:94673-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 41339 of 2025

Vijay Pal Singh and 12 others

…..Petitioner(s)

Versus

State of U.P. and 6 others

…..Respondent(s)

Counsel for Petitioner(s)	:	Mahesh Chand Sharma
Counsel for Respondent(s)	:	Aditya Bhushan Singhal, C.S.C.

Along with :

1. **Writ - C No. 41467 of 2025:**
Pradeep Kumar and 13 others
Versus
State of U.P. and 6 others

2. **Writ - C No. 46238 of 2025:**
Yogendra Pal Singh and 15 others
Versus
State of U.P. and 6 others

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Court No. - 21

HON'BLE MAHESH CHANDRA TRIPATHI, J.
HON'BLE KUNAL RAVI SINGH, J.

(Per: Mahesh Chandra Tripathi, J.)

A. APPEARANCE OF COUNSEL:-

1. Heard Shri Mahesh Chand Sharma, learned counsel for the petitioners, Shri Devesh Vikram, learned Additional Chief Standing Counsel and Shri Fuzail Ahmad Ansari, learned Standing Counsel, both for the State-respondents and Shri Rahul Agarwal, learned Senior Counsel assisted by Shri Abhay Pratap Singh and Shri A.B.Singhal, learned counsel for the respondent – Yamuna Expressway Industrial Development Authority[1].

1.1. All the aforesaid writ petitions, being Writ-C No. 41339 of 2025, Writ-C No. 41467 of 2025 and Writ-C No. 46238 of 2025, raise a common challenge to the notifications dated 11.04.2025 issued under Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013[2] and dated 24.10.2025 issued under Section 19 of the Act, 2013, pertaining to the acquisition of land for the expansion of the Noida International Airport, Jewar, District Gautam Buddha Nagar. The facts and the questions of law arising in all three writ petitions are substantially similar and interlinked. With the consent of the learned counsel appearing for all the parties, all the three writ petitions were heard together analogously and are being disposed of by this common judgment. It is clarified that for the purpose of brevity, the facts as narrated hereinafter are drawn mainly from Writ-C No. 41339 of 2025, since the facts in all the writ petitions are similar and the narration of facts in one petition sufficiently represents the factual matrix common to all. Wherever facts specific to

1 YEIDA
2 The Act, 2013

Writ-C No. 41467 of 2025 or Writ-C No. 46238 of 2025 are material and distinct, the same have been noted separately.

B. PRAYER:

2. The aforenoted writ petitions have been preferred praying, inter alia, for a direction in the nature of certiorari to quash the notifications under Sections 11 and 19 of the Act, 2013 dated 11.04.2025 and 24.10.2025 respectively, in so far as they relate to the displacement of village abadi of Industrial Nagar – Village Neemka Shahjahanpur Khas, Village Khawajpur and Village Thora, Tehsil Jewar, District Gautam Buddha Nagar; and for writs of mandamus restraining the respondents from proceeding further with the displacement of the said abadis. The petitioners have also prayed for a direction to the respondents to decide the representations filed by them at various stages of the acquisition proceedings, within a time fixed by this Court.

C. FACTS OF THE CASE:-

3. Before adverting to the submissions advanced by the parties, it is necessary to set out the factual background of the present matter as emerging from the record.

3.1. The Government of Uttar Pradesh earmarked approximately 5,000 hectares of land for the development of the Noida International Airport at Jewar, District Gautam Buddha Nagar. The State Cabinet approved the acquisition of the said land in multiple phases. The Airport Project is envisaged as an integrated aviation hub with modern, technology-driven infrastructure and adequate land reserves to enable its systematic and long-term development. The project is expected to promote regional economic growth, generate employment for the local population, strengthen manufacturing and export sectors, and promote tourism, having regard to the proximity of Jewar to Vrindavan, Mathura, and the Taj Mahal. The total acquisition undertaken for the Airport Project

comprises three stages: (a) Stage-1, covering land admeasuring 1,239.1416 hectares; (b) Stage-2, Phase-1, covering land admeasuring 1,181.2793 hectares; and (c) Stage-2, Phase-2 and Phase-3 (the present acquisition), covering land admeasuring 1,857.8871 hectares.

3.2. The Airport Project is being implemented on a public-private partnership model on a design, build, finance, operate and transfer basis. The State Government resolved to implement the project through Noida International Airport Limited[3], a State company, with shareholding distributed as follows: State Government (37.50%), NOIDA (37.50%), Greater NOIDA (12.50%), and YEIDA (12.50%). NIAL invited bids for the development, operation, and maintenance of the project, and Zurich Airport International AG[4] emerged as the successful bidder. ZAI thereafter incorporated Yamuna International Airport Private Limited[5] as its wholly owned subsidiary. On 07.10.2020, NIAL entered into a concession agreement with YIAPL for design, build, finance, operate and transfer of the Noida International Airport for a concession period of 40 years.

3.3. Under Stage-1, land admeasuring 1,239.1416 hectares was acquired from six villages, namely Dayanatpur, Rohi, Parohi, Ranhera, Kishorepur, and Banwaribas, and construction of the airport is presently underway on this land. The Stage-1 acquisition affected approximately 8,971 families, out of which approximately 3,627 families from Villages Dayanatpur, Rohi, and Kishorepur were displaced. Land admeasuring 48.0970 hectares was identified as a rehabilitation site in the Jewar Bangar area, and a Rehabilitation and Resettlement Scheme (Stage-1 R&R Scheme) was framed and finalised on 31.12.2018. The rehabilitation land was developed into seven sectors, in which 3,074 plots were allotted to the displaced families. The said sectors are established residential areas equipped with basic civic infrastructure. Compensation was paid under Section 23 of the Act, 2013 and possession was taken after compliance with Section 38, and in the case of displaced families, only after completion of the implementation of the Stage-1 R&R Scheme. No development charges were levied on any landowner; the Authority developed the plots at its own cost; and

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3 NIAL
4 ZAI
5 YIAPL

stamp duty and registration charges for execution of conveyance documents were borne by the concerned authorities, without imposing any cost upon the displaced farmers.

3.4. For the Stage-2, Phase-1 expansion, the Civil Aviation Department, Government of Uttar Pradesh, proposed the acquisition of an additional 1,181.2793 hectares of land from six villages in Tehsil Jewar, District Gautam Buddha Nagar, namely Karauli Bangar, Dayanatpur, Kurab, Ranhera, Mudharh, and Birampur. The land acquisition process under the Act, 2013 stands completed and partial possession of the acquired land has already been transferred to the Respondent Authority – YEIDA. Approximately 20,024 families were affected, out of which about 12,863 families were displaced. A Draft Rehabilitation and Resettlement Scheme for the Stage-2, Phase-1 displaced families was approved by the Commissioner, Rehabilitation and Resettlement, on 13.03.2023, and approximately 189.7622 hectares of land across multiple sites was designated for rehabilitation and resettlement purposes. The implementation of this scheme is presently underway.

3.5. The present writ petitions relate to the acquisition being carried out under Stage-2, Phase-2 and Phase-3 of the Airport Project. The acquisition pertains to fourteen villages in Tehsil Jewar, District Gautam Buddha Nagar, namely Thora, Neemka Shahjahanpur, Khawajpur, Ramner, Kishorepur, Banwaribas, Parohi, Mukimpur Shivara, Jewar Bangar, Sabota Mustafabad, Ahmadpur Chauroli, Dayanatpur, Bankapur, and Rohi. The total land proposed for acquisition admeasures 1,857.8871 hectares, of which 275.1820 hectares pertains to Village Neemka Shahjahanpur, 272.3978 hectares to Village Khawajpur, and 577.3727 hectares to Village Thora. The present acquisition seeks to facilitate large-scale aviation and allied infrastructure, including construction of two additional runways, maintenance, repair and overhaul (MRO) facilities, parallel taxiways, isolation bays and engine run-up bays, cargo infrastructure including a Northern Cargo Terminal, Express Cargo Terminal and container terminals, satellite concourses with linkages and walkways, tunnels for cargo movement, passenger car parking and

ground transportation centre, light rail connectivity between terminals, and peripheral infrastructure including fire stations, offices, docking areas, warehouses, and perimeter roads.

3.6. Insofar as the statutory process leading to the impugned notifications is concerned, in terms of Section 4 of the Act, 2013, read with Rule 3(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Uttar Pradesh) Rules, 2016,[6] the State Government issued Notification No. 820/chhappan-2023-31/2016(Stage-2A) dated 30.06.2023, nominating Gautam Buddha University, Gautam Buddha Nagar, as the Social Impact Assessment Agency.[7] In compliance with Rule 3(2) of the Rules, 2016, the said notification was made available in the local language in the affected areas and in the offices of the District Collector, Sub-Divisional Magistrate, Land Acquisition Officer, Administrator, and Tehsildar. It was also published in three daily newspapers widely circulated in the affected area, namely 'Amar Ujala', 'Hindustan', and 'Times of India', on 06.07.2023, and was uploaded on the official website of District Gautam Buddha Nagar.

3.7. Pursuant to the issuance of the Section 4 Notification, the SIA Agency prepared a draft Social Impact Assessment Report and Social Impact Management Plan. In compliance with Rule 7(1) of the Rules, 2016, read with Section 5 of the Act, 2013, public hearings were conducted on 19.12.2023 at Village Khwajpur and on 21.12.2023 at Village Neemka Shahjahanpur, to invite the views of the affected families to be recorded and included in the Social Impact Assessment Report[8]. The SIA Agency submitted the Social Impact Assessment Report and Social Impact Management Plan to the appropriate authorities in December 2023. The SIA Report concluded that: (i) the proposed acquisition serves the public purpose; (ii) the land proposed for acquisition is the absolute minimum area required; and (iii) the land proposed for acquisition is the most feasible option.

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6 the Rules, 2016
7 SIA Agency
8 SIA Report

3.8. In compliance with Rule 8 of the Rules, 2016, on 01.02.2024, a notice informing completion of the SIA Report was published in 'Amar Ujala' and 'Dainik Jagran' on 02.02.2024 and uploaded on the official website of District Gautam Buddha Nagar. In accordance with Section 7 of the Act, 2013, read with Rule 10 of the Rules, 2016, the State Government constituted a Multi-Disciplinary Expert Group to evaluate the SIA Report. On 09.02.2024, the Expert Group unanimously approved the SIA Report and recommended that it be forwarded to the State Government for further approval. The Expert Group categorically recorded that the total proposed acquisition area of 1,888.9088 hectares across fourteen villages constitutes the bare minimum requirement for the project and that no viable alternative exists which would result in lesser displacement. In compliance with Rule 10(3) of the Rules, 2016, the recommendations of the Expert Group were published in 'Amar Ujala' and 'Dainik Jagran' on 21.03.2024 and uploaded on the official website of District Gautam Buddha Nagar.

3.9. On 08.01.2025, after due consideration, the State Government, in compliance with Section 8 of the Act, 2013, granted approval to the SIA Report and the recommendations made by the Expert Group. In compliance with Section 8(3) of the Act, 2013, read with Rule 11(3) of the Rules, 2016, this approval was published in 'Amar Ujala' and 'Dainik Jagran' on 11.01.2025 and uploaded on the official website of District Gautam Buddha Nagar.

3.10. Since the present acquisition is for a public-private partnership project, prior consent of at least 70% of the project-affected families was required to be obtained before issuance of the Section 11 notification, in terms of Section 2(2)(a) and (b)(ii) of the Act, 2013, read with Rule 14 of the Rules, 2016. As on 01.03.2025, the consent of 73.02% of the affected families had been obtained.

3.11. After obtaining the requisite consent, the requiring body submitted its request for land acquisition to the Collector. Prior thereto, an on-spot survey and inspection of assets was duly conducted, wherein a detailed

inventory of existing structures, buildings, wells, tube wells, trees, and other assets was prepared in Form-11 prescribed under the Rules, 2016, along with an assessment of the estimated compensation payable in respect of each item.

3.12. In terms of Section 14 of the Act, 2013, the notification under Section 11 was required to be issued within twelve months from the date of appraisal of the SIA Report by the Expert Group, i.e., by 09.02.2025. In exercise of powers under the proviso to Section 14 of the Act, 2013, the State Government, by order dated 27.02.2025, granted an extension of time up to 08.02.2026 for issuance of the Section 11 notification.

3.13. Thereafter, on 11.04.2025, the State Government issued the preliminary notification under Section 11 of the Act, 2013 for the acquisition of land from the aforementioned fourteen villages in Tehsil Jewar, District Gautam Buddha Nagar, admeasuring 1,857.8871 hectares. The State Government simultaneously invited objections from the concerned landowners under Section 15(1) of the Act, 2013. The Section 11 Notification also appointed the Deputy Collector, Jewar, District Gautam Buddha Nagar, as the Administrator for Rehabilitation and Resettlement of the project-affected families. In compliance with Section 11(1) of the Act, 2013, read with Rule 20(4) of the Rules, 2016, the Section 11 Notification was published in 'Amar Ujala' and 'Dainik Jagran' on 13.04.2025 and uploaded on the official website of District Gautam Buddha Nagar.

3.14. Under Section 15 of the Act, 2013, any interested person could, within sixty days of the Section 11 Notification, file objections on the grounds of the area and suitability of land proposed to be acquired, the justification offered for the public purpose, and the findings of the SIA Report. In compliance with Rule 23 of the Rules, 2016, on 02.07.2025, public notices were issued by the Collector to affected landowners whose written objections had been received within the stipulated timeline, fixing 08.07.2025, 09.07.2025 and 10.07.2025 as the dates for hearing objections from different villages. The public notice regarding

the hearing dates was published in 'Amar Ujala' and 'Dainik Jagran' on 03.07.2025, and public announcements (munadi) were also carried out locally. The Collector conducted public hearings in accordance with law. Some of the petitioners, including representatives of the Sangharsh Samiti, appeared and were afforded an opportunity of personal hearing. After due consideration of the objections, the Collector passed a reasoned order dated 11.07.2025 under Section 15(1) of the Act, 2013, dismissing the objections on the ground that the issues raised, fell outside the limited statutory scope of Section 15(1), which confines objections only to the area and suitability of land, justification for public purpose, and findings of the SIA Report.

3.15. In compliance with Section 15(2) of the Act, 2013, the Collector forwarded the disposal report to the State Government. On 11.07.2025, a request was also made to the State Government for its approval of the disposal report and for issuance of the declaration under Section 19. Upon consideration, the State Government approved the disposal report under Section 15(3) of the Act, 2013 on 29.07.2025.

3.16. Simultaneously, in compliance with Section 45(1) of the Act, 2013, a project-level Rehabilitation and Resettlement Committee was constituted for monitoring and reviewing the R&R Scheme, vide notification dated 23.06.2025. In compliance with Section 16 of the Act, 2013, the Administrator prepared the draft R&R Scheme for the affected and displaced families, and on 26.06.2025, notices were issued for conducting public hearings on the draft R&R Scheme. Public hearings were conducted on 09.07.2025 in Village Khawajpur and on 10.07.2025 in Village Neemka Shahjahanpur and Village Thora, during which objections and suggestions of the affected persons, including the petitioners, were duly recorded. The draft R&R Scheme was formally published on 14.07.2025.

3.17. The proposed R&R Scheme provides, inter alia, for: (a) allotment of developed residential land equivalent to 50% of the land held by the displaced family, subject to a minimum of 50 square metres and a

maximum of 500 square metres; (b) where a displaced family chooses not to opt for allotment of residential land, compensation of not less than Rs. 1,50,000/-; (c) each displaced family is further given the option to either opt for employment in the Noida International Airport Project, or receive a one-time lump sum payment of Rs. 5,00,000/-, or opt for an annuity of Rs. 2,000/- per month for a period of twenty years; (d) a monthly subsistence allowance of Rs. 3,000/- for one year from the date of award; (e) a special assistance of Rs. 50,000/- for displaced families belonging to Scheduled Castes and Scheduled Tribes; (f) a one-time transportation allowance of Rs. 50,000/-; (g) a one-time financial assistance of Rs. 25,000/- for affected families engaged in small trade and a separate Rs. 25,000/- for families having cattle; and (h) a one-time resettlement allowance of Rs. 50,000/- to each affected family.

3.18. In exercise of powers under Section 18 of the Act, 2013, the Commissioner approved the draft R&R Scheme on 21.07.2025 and directed the authorities to proceed further in accordance with law.

3.19. Thereafter, on 24.10.2025, the State Government issued the declaration under Section 19 of the Act, 2013. In Schedule-B to the Section 19 Declaration, land admeasuring 437.9931 hectares situated in Villages Mangroli, Neemka Shahjahanpur, Alavalpur, Sadullapur alias Madalpur, Ahmadpur Chauroli, and Jewar Bangar, Pargana Jewar, Tehsil Jewar, District Gautam Buddha Nagar, was identified as the R&R site for the purpose of resettlement of displaced families, for which a separate land acquisition process is to be undertaken in accordance with law. The Section 19 Declaration was published in 'Hindustan Times' and 'Dainik Jagran' on 27.10.2025, and copies were also affixed on the Notice Boards in the affected areas and uploaded on the official website of District Gautam Buddha Nagar.

3.20. During the pendency of the present writ petitions, the State Government passed awards in respect of the villages forming part of the present acquisition. The awards for Village Neemka Shahjahanpur and Village Khawajpur were made on 31.01.2026, and the award for Village

Thora was made on 02.02.2026. While the circle rate was Rs. 900/- per square metre, the awards provide a market value of Rs. 1,550/- per square metre determined under Section 26(2) of the Act, 2013, along with additional compensation of Rs. 1,200/- per square metre in view of the Government Order dated 10.03.2025. The awards further provide 100% solatium under Section 30(1) and an additional amount at the rate of 12% per annum under Section 30(3) from the date of the Section 4 Notification dated 07.07.2023 up to the date of the respective awards, resulting in total compensation aggregating to approximately Rs. 4,772/- to Rs. 4,778/- per square metre. Disbursement of compensation has already commenced. Possession of abadi land shall be taken only after the R&R Award is passed under Section 31 of the Act, 2013 and developed plots are handed over to the displaced families.

3.21. Aggrieved by the aforesaid notifications dated 11.04.2025 (Section 11 preliminary notification) and dated 24.10.2025 (Section 19 declaration), the aforesaid writ petitions have been filed.

D. SUBMISSIONS ON BEHALF OF PETITIONERS:

4. Shri Mahesh Chand Sharma, learned counsel for the petitioners, submitted that the petitioners are residents of Villages Neemka Shahjahanpur, Khawajpur and Thora, Tehsil Jewar, District Gautam Buddha Nagar, having agricultural land as well as residential abadi in the said villages. He submitted that the petitioners are not opposing the acquisition of their agricultural land but are specifically challenging the displacement of their village abadi, which is being done in flagrant violation of the mandatory provisions of the Act, 2013.

4.1. Learned counsel submitted that the villages in question were declared as an Industrial Nagar under the U.P. Industrial Area Development Act, 1976[9] by a notification dated 14.12.2018, and accordingly fall within the jurisdiction of the respondent - YEIDA. He argued that once a village is declared as an Industrial Nagar under the

9 the Act, 1976

Act, 1976, which has an overriding effect, any acquisition or displacement can only be carried out by the respondent - YEIDA under that Act, 1976 and not under the Act, 2013.

4.2. Learned counsel submitted that Section 2(2)(ii) of the Act, 2013 requires prior consent of at least seventy percent of the affected families before acquisition can be initiated for public-private partnership projects. He contended that the consent obtained was only 22.29% across 14 villages as on 21.01.2025, and in Village Neemka specifically, a mere 6.03%.

4.3. Learned counsel argued that the Social Impact Assessment[10] process was conducted in a wholly arbitrary and fraudulent manner. A public hearing was scheduled for 21.12.2023 in Village Neemka Shahjahanpur, however, no actual public hearing took place as no one was willing to give consent. He further submitted that the Expert Group's report specifically recommended a re-survey of Village Thora and Village Neemka, which recommendation was completely ignored.

4.4. Learned counsel emphasized that the notification under Section 11 was issued on 11.04.2025 without completing the mandatory procedural requirements under Sections 11(2), 11(3), 12 and 15 of the Act, 2013. He pointed out that while a notice fixing 08.07.2025 for hearing of objections under Section 15 was issued, simultaneously, without deciding those objections, a notification under Section 16(5) fixing 10.07.2025 for a public hearing was also issued.

4.5. Learned counsel further submitted that by the notification dated 24.10.2025, approximately 39 gatas containing existing village abadi, which had been specifically left out during consolidation proceedings notified in 1966 and concluded in 1971, were acquired and shown as agricultural land. He argued this was done without any spot inspection and without deciding the objections filed under Sections 15, 16 and 17 of the Act, 2013. Furthermore, Gata Nos. 365 to 671 were added for the first time in the Section 19 notification, covering an additional area of

10 SIA

78.6776 hectares, for which no prior acquisition proceedings had been initiated.

4.6. Learned counsel while referring to the Section 10 of the Act, 2013 which provides a special provision to safeguard food security, and prohibits acquisition of irrigated multi-cropped land save under exceptional circumstances as a demonstrable last resort, argued that a substantial portion of the 1,857.7706 hectares notified under Section 11 comprises irrigated multi-cropped agricultural land and the mandatory conditions of Section 10 were not complied with.

4.7. In support of the aforesaid submissions, the learned counsel for the petitioners has placed reliance upon two judgments of the Hon'ble Supreme Court of India: (i) **D.B. Basnett (D) through LRs. v. The Collector and Another, East District, Gangtok, Sikkim and Another**[11], and (ii) **Kolkata Municipal Corporation and Another v. Bimal Kumar Shah and Others**[12]. These judgments have been relied upon in the Written Submissions filed by the petitioners for the propositions that the provisions of the land acquisition law are mandatory in nature and must be strictly followed, and that the right to property under Article 300-A of the Constitution comprises seven sub-rights or procedural safeguards which must all be satisfied before a person is deprived of his property.

4.8. Finally, learned counsel submitted that the right to property, though not a fundamental right, is a constitutional right protected under Article 300-A of the Constitution of India, and no person can be deprived of their property except by authority of law and following a fair procedure. In this backdrop, he urged that the impugned notifications are liable to be quashed.

E. SUBMISSIONS ON BEHALF OF THE RESPONDENT – YEIDA

5. Shri Rahul Agarwal, learned Senior Counsel appearing on behalf of the respondent - YEIDA, submitted that the present writ petitions are

11 (2020) 4 SCR 513
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wholly misconceived, devoid of merit, and deserve to be dismissed at the threshold. He submitted that the entire acquisition proceeding has been carried out in strict conformity with the provisions of the Act, 2013 and the Rules, 2016, and drew the attention of this Court to the step-by-step Compliance Chart annexed as Appendix-1 to YEIDA's Written Submissions, demonstrating meticulous adherence to each stage of the statutory process.

5.1. Learned Senior Counsel submitted that the Airport Project is an integrated aviation hub of national importance being implemented through the public-private partnership model. He submitted that a significant development had occurred during the pendency of the writ petitions, inasmuch as awards for Villages Neemka Shahjahanpur and Khawajpur were passed on 31.01.2026 and for Village Thora on 02.02.2026, providing total compensation of approximately Rs. 4,772/- to Rs. 4,778/- per square metre, and that disbursement had commenced.

5.2. On the SIA process, learned Senior Counsel submitted that the Act, 2013 does not require prior consent of individual landowners before publication of the SIA Report. Sections 4 to 7 of the Act, 2013 only mandate public consultation, public hearings, and expert appraisal, all of which were duly conducted. He submitted that under Section 5 of the Act, 2013, the purpose of the public hearing is limited to ascertaining the views of affected families to be recorded in the SIA Report, and the Act does not contemplate adjudication of individual objections at the SIA stage. He further submitted that the Expert Group's suggestion regarding a re-survey of Villages Thora and Neemka Shahjahanpur was duly acted upon through PwC, the technical consultant, who confirmed vide letter dated 22.02.2024 that these villages lie on the runway alignment and that relocation is unavoidable.

5.3. On the issue of consent, learned Senior Counsel submitted that 73.02% of the affected families had consented as on 01.03.2025, well above the statutory 70% threshold. He submitted that the document dated 21.01.2025 relied upon by the petitioners reflected an earlier

interim figure before duplication of certain families holding land in more than one revenue village which was identified and removed. The statutory unit under Section 3(c) of the Act, 2013 is the 'affected family' and not village-wise landholdings or individual voters. He placed reliance upon the judgment of this Court in **Kichhu Ram and Another v. State of U.P. and 5 Others,**[13] wherein this Court, on identical facts during Stage-1, upheld the acquisition upon finding consent of 72% of affected families.

5.4. On the Section 15 procedure, learned Senior Counsel submitted that notices dated 03.07.2025 were duly issued fixing 08.07.2025 and 10.07.2025 for personal hearings. Some petitioners appeared and the Collector passed a reasoned order dated 11.07.2025 dismissing the objections, with the State Government approving the report on 29.07.2025 under Section 15(3). On the parallel conduct of proceedings under Sections 15 and 16, he submitted that a sequential reading would make compliance with the mandatory 12-month timeline under Section 19 impossible, and that the two provisions are designed to operate concurrently.

5.5. On the Section 19 Declaration, learned Senior Counsel submitted that the area of 78.6776 hectares has been identified in Schedule-B only for R&R purposes as mandated under the Act, 2013, and does not form part of the land acquired for airport expansion. He submitted that the challenge to the Act, 1976 jurisdiction is misconceived, as Section 6 of that Act, 1976 itself contemplates acquisition through land acquisition law, which, after repeal of the Land Acquisition Act, 1894[14], necessarily means the Act, 2013.

5.6. Learned Senior Counsel also submitted that the petitioners had suppressed material documents including the final approved R&R Scheme, approvals under Sections 8 and 18, and the awards passed in January–February 2026, while selectively relying on fragments of the record. He urged dismissal of all writ petitions with costs.

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13 Writ-C No. 6499 of 2019, decided on 08.04.2019, reported as 2019 SCC OnLine All 5071
14 The Act, 1894

EE. SUBMISSIONS ON BEHALF OF STATE RESPONDENTS :-

5.7. Shri Devesh Vikram, learned Additional Chief Standing Counsel and Shri Fuzail Ahmad Ansari, learned Standing Counsel, both appearing for the State-respondents, associated themselves entirely with the submissions advanced by Shri Rahul Agarwal, learned Senior Advocate appearing for the respondent - YEIDA, and adopted the same without any objection/ reservation.

F. DISCUSSION AND FINDINGS:-

6. Having heard the learned counsel for all parties at length and having carefully perused the record, the pleadings, the counter affidavit of the respondent-YEIDA, the Compliance Chart and the Consent Chart annexed thereto, the written submissions supplied by the learned counsels for the parties and all other material placed on record, this Court proceeds to consider the respective contentions.

I. Nature And Importance Of The Project:

6.1. The acquisition in question has been undertaken for the expansion of the Noida International Airport, Jewar (Stage-2, Phase-2 and Phase-3), a project of national importance designed to serve the ever-increasing passenger and cargo air traffic of the National Capital Region, which has reached saturation at the Indira Gandhi International Airport, New Delhi. The project is expected to generate large-scale employment, stimulate economic development, and promote tourism in the region. The public purpose underlying the acquisition is, in the opinion of this Court, beyond question and cannot be successfully assailed in writ jurisdiction.

II. Statutory Scheme – Private Company Versus Public-Private Partnership Projects:

6.2. Before examining the specific contentions, it is necessary to appreciate the scheme of the Act, 2013. Section 2 of the Act, 2013 classifies acquisitions and prescribes different consent thresholds depending upon the nature of the project. Section 2(1) deals with acquisition for the purposes of the Government or a Government undertaking. Section 2(2) of the Act, 2013 is directly applicable to the present case. Section 2 of the Act, 2013 provides as under:

> *"**2. Application of Act.**–(1) The provisions of this Act relating to land acquisition, compensation, rehabilitation and resettlement, shall apply, when the appropriate Government acquires land for its own use, hold and control, including for Public Sector Undertakings and for public purpose, and shall include the following purposes, namely:—*
>
> *(a) for strategic purposes relating to naval, military, air force, and armed forces of the Union, including central paramilitary forces or any work vital to national security or defence of India or State police, safety of the people; or*
>
> *(b) for infrastructure projects, which includes the following, namely:—*
>
> *(i) all activities or items listed in the notification of the Government of India in the Department of Economic Affairs (Infrastructure Section) number 13/6/2009-INF, dated the 27th March, 2012, excluding private hospitals, private educational institutions and private hotels;*
>
> *(ii) projects involving agro-processing, supply of inputs to agriculture, warehousing, cold storage facilities, marketing infrastructure for agriculture and allied activities such as dairy, fisheries, and meat processing, set up or owned by the appropriate Government or by a farmers' cooperative or by an institution set up under a statute; (iii) project for industrial corridors or mining activities, national investment and manufacturing zones, as designated in the National Manufacturing Policy;*
>
> *(iv) project for water harvesting and water conservation structures, sanitation;*
>
> *(v) project for Government administered, Government aided educational and research schemes or institutions;*
>
> *(vi) project for sports, health care, tourism, transportation or space programme;*
>
> *(vii) any infrastructure facility as may be notified in this regard by the Central Government and after tabling of such notification in Parliament;*
>
> *(c) project for project affected families;*
>
> *(d) project for housing for such income groups, as may be specified from time to time by the appropriate Government;*
>
> *(e) project for planned development or the improvement of village sites or any site in the urban areas or provision of land for residential purposes for the weaker sections in rural and urban areas;*
>
> *(f) project for residential purposes to the poor or landless or to persons residing in areas affected by natural calamities, or to persons displaced or affected by reason of the implementation of any scheme undertaken by the Government, any local authority or a corporation owned or controlled by the State.*

*(2) **The provisions of this Act relating to land acquisition, consent, compensation, rehabilitation and resettlement, shall also apply, when the appropriate Government acquires land for the following purposes, namely—***

(a) for public private partnership projects, where the ownership of the land continues to vest with the Government, for public purpose as defined in sub-section (1);

(b) for private companies for public purpose, as defined in sub-section (1):

Provided that in the case of acquisition for—

(i) private companies, the prior consent of at least eighty per cent, of those affected families, as defined in sub-clauses (i) and (v) of clause (c) of section 3; and

(ii) public private partnership projects, the prior consent of at least seventy per cent. of those affected families, as defined in sub-clauses (i) and (v) of clause (c) of section 3,

shall be obtained through a process as may be prescribed by the appropriate Government:

Provided further that the process of obtaining the consent shall be carried out along with the Social Impact Assessment study referred to in section 4:

Provided also that no land shall be transferred by way of acquisition, in the Scheduled Areas in contravention of any law (including any order or judgment of a court which has become final) relating to land transfer, prevailing in such Scheduled Areas.

(3) The provisions relating to rehabilitation and resettlement under this Act shall apply in the cases where,—

(a) a private company purchases land, equal to or more than such limits in rural areas or urban areas, as may be prescribed by the appropriate Government, through private negotiations with the owner of the land in accordance with the provisions of section 46;

(b) a private company requests the appropriate Government for acquisition of a part of an area so prescribed for a public purpose:

Provided that where a private company requests the appropriate Government for partial acquisition of land for public purpose, then, the rehabilitation and resettlement entitlements under the Second Schedule shall be applicable for the entire area which includes the land purchased by the private company and acquired by the Government for the project as a whole."

6.2.1. Therefore, Section 2(2) provides that where the appropriate Government acquires land for public-private partnership projects, the prior consent of at least seventy per cent of the affected families, as defined in sub-clauses (i) and (v) of clause (c) of section 3, is mandatory.

6.2.2. Section 3(c) of the Act, 2013, defining 'affected family', provides as under:

*"**3. Definitions.-** In this Act, unless the contest otherwise requries.-*

(a) …..

(b) ….

3(c) 'affected family' includes-

(i) a family whose land or other immovable property has been acquired;

(ii) a family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans or who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land;

(iii) the Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) due to acquisition of land;

(iv) family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land;

(v) a member of the family who has been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition;

(vi) a family residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land or whose primary source of livelihood for three years prior to the acquisition of the land is affected by the acquisition of such land."

6.2.3. A conjoint reading of Section 2(2) with Section 3(c) of the Act, 2013 makes it clear that the expression "affected families" is of wide amplitude and is not confined merely to landowners whose land is acquired, but also includes all such families whose livelihood or rights are adversely impacted by the acquisition, including agricultural labourers, tenants, share-croppers, artisans, forest dwellers, persons dependent on forest or water resources, beneficiaries of Government land allotments, and even families residing in urban areas whose livelihood is affected. Thus, for the purposes of obtaining consent under Section 2(2), the statute mandates that the requisite percentage is to be computed with reference to this broader category of affected families and not merely the recorded tenure holders.

6.2.4. The Airport Project is structured as a public-private partnership project within the meaning of Section 2(2)(b) of the Act, 2013, being implemented through NIAL (a State company) with the private operator

YIAPL, a wholly owned subsidiary of Zurich Airport International AG. The consent threshold applicable is accordingly 70% of the project-affected families and not the 80% threshold applicable to acquisitions for private companies under Section 2(3) of the Act, 2013. This distinction is material in adjudicating the consent-related challenge.

III. SIA Process – Compliance Examined:

6.3. The petitioners have challenged the Social Impact Assessment[15] process. This Court has examined the said contention in the light of the statutory provisions.

6.3.1. Section 4 of the Act, 2013 provides for the preparation of a Social Impact Assessment (SIA) study. Sub-section (1) of Section 4 mandates that whenever the appropriate Government intends to acquire land for a public purpose, it shall carry out a Social Impact Assessment study in consultation with the concerned Panchayat, Municipality, or Municipal Corporation, as the case may be, at the village or ward level in the affected area, in such manner and within such time as may be prescribed. Sub-section (2) further provides that the Social Impact Assessment study referred to in sub-section (1) shall, inter alia, include various specified aspects, and it is also stipulated that the said study shall be completed within a period of six months from the date of its commencement. Section 4 of the Act, 2013 is reproduced hereinbelow for ready reference:

> *"4. Preparation of Social Impact Assessment study.–(1) Whenever the appropriate Government intends to acquire land for a public purpose, it shall consult the concerned Panchayat, Municipality or Municipal Corporation, as the case may be, at village level or ward level, in the affected area and carry out a Social Impact Assessment study in consultation with them, in such manner and from such date as may be specified by such Government by notification.*
>
> *(2) The notification issued by the appropriate Government for commencement of consultation and of the Social Impact Assessment study under sub-section (1) shall be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government:*

15 SIA

Provided that the appropriate Government shall ensure that adequate representation has been given to the representatives of Panchayat, Gram Sabha, Municipality or Municipal Corporation, as the case may be, at the stage of carrying out the Social Impact Assessment study*:*

Provided further that ***the appropriate Government shall ensure the completion of the Social Impact Assessment study within a period of six months from the date of its commencement.***

(3) The Social Impact Assessment study report referred to in sub-section (1) shall be made available to the public in the manner prescribed under section 6.

(4) The Social Impact Assessment study referred to in sub-section (1) shall, amongst other matters, include all the following, namely:—

(a) assessment as to whether the proposed acquisition serves public purpose;

(b) estimation of affected families and the number of families among them likely to be displaced;

(c) extent of lands, public and private, houses, settlements and other common properties likely to be affected by the proposed acquisition;

(d) whether the extent of land proposed for acquisition is the absolute bare-minimum extent needed for the project;

(e) whether land acquisition at an alternate place has been considered and found not feasible;

(f) study of social impacts of the project, and the nature and cost of addressing them and the impact of these costs on the overall costs of the project vis-a-vis the benefits of the project:

Provided that Environmental Impact Assessment study, if any, shall be carried out simultaneously and shall not be contingent upon the completion of the Social Impact Assessment study.

(5) While undertaking a Social Impact Assessment study under sub-section (1), the appropriate Government shall, amongst other things, take into consideration the impact that the project is likely to have on various components such as livelihood of affected families, public and community properties, assets and infrastructure particularly roads, public transport, drainage, sanitation, sources of drinking water, sources of water for cattle, community ponds, grazing land, plantations, public utilities such as post offices, fair price shops, food storage godowns, electricity supply, health care facilities, schools and educational or training facilities, anganwadis, children parks, places of worship, land for traditional tribal institutions and burial and cremation grounds.

(6) The appropriate Government shall require the authority conducting the Social Impact Assessment study to prepare a Social Impact Management Plan, listing the ameliorative measures required to be undertaken for addressing the impact for a specific component referred to in sub-section (5), and such measures shall not be less than what is provided under a scheme or programme, in operation in that area, of the Central Government or, as the case may be, the State Government, in operation in the affected area."

6.3.2. Section 5 of the Act, 2013 governs the conduct of a public hearing at the stage of Social Impact Assessment. It provides that the appropriate Government shall ensure that a public hearing is held in the affected area

after giving adequate publicity regarding the date, time, and venue of such hearing, so as to ascertain the views of the affected families, which are to be recorded and included in the SIA Report. For ready reference, Section 5 is reproduced hereinbelow:

> *"5.* ***Public hearing for Social Impact Assessment.****–Whenever a Social Impact Assessment is required to be prepared under section 4, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be recorded and included in the Social Impact Assessment Report."*

6.3.3. Rule 7 of the Rules, 2016 provides the manner of conducting public hearing on the SIA Report and SIA Plan. The Rule lays down a detailed procedure to ensure transparency, participation of affected families, and proper consideration of their objections and suggestions. It mandates prior publication of notice, conduct of hearings in affected areas, availability of draft reports for public inspection, participation of the requiring body and authorities, recording of proceedings, and incorporation of feedback in the final Social Impact Assessment Report. It further ensures that objections raised by affected persons are duly considered and made part of the decision-making process. Rule 7(1) of the Rules, 2016 prescribes the procedure for such public hearing and mandates adequate notice to the affected families. The Rule 7 provides as under:

> *"7.* ***Manner of conducting public hearing on Social Impact Assessment Report and Social Impact Management Plan.****— (1) Soon after completion of Social Impact Assessment Study Report and Social Impact Management Plan, a public hearing shall be conducted by the state Government, in the affected area by giving notice to be published in two daily newspapers circulating in the affected area of which at least one shall be in the regional language, and also by way of a public notice by affixing it at some conspicuous places in the affected areas not less than seven days before the public hearing indicating its time, place and date and other necessary details. This notice shall also be uploaded on the website of the concern district or the State Government.*
>
> *(2) The public hearings shall be conducted in the concern Gram Panchayat offices or urban local bodies offices, as the case may be, any public place or convenient place in the affected area. The State Government may take decision to conduct hearing at some conspicuous place other than the affected areas within the concern district by giving the justification for it and duly published in a notice.*

(3) The State Government may appoint any Revenue officer of the rank of Deputy Collector, Tehsildar or Block Development Officer to conduct the hearings.

(4) A member or members, as the case may be, of the Social Impact Assessment agency shall facilitate the public hearing which shall be organized through the local administration with the designated Government officers of appropriate level.

(5) Public hearings generally are held in the affected areas to bring out the main findings of the Social Impact Assessment, seeking feedback on the findings and to seek additional information and views for incorporating the same in the final documents.

(6) Public hearings shall be conducted in all Gram Sabha where more than twenty per cent of the members are directly or indirectly affected by the acquisition of the land.

(7) The draft of Social Impact Assessment report and Social Impact Management Plan shall be published for inspection of general public in the office of the Collector for the purpose of land acquisition not less than seven days before the public hearing.

(8) The requiring body may also be served with a copy of the draft report. Adequate copies of the report and summaries shall be made available to the public on the day of the public hearing by the agency.

(9) All the proceedings Shall be held in the local language to ensure that all the participants can understand and express their views.

(10) Representatives from the requiring body shall also attend the public hearing and address the questions and any issue raised by the affected parties.

(11) The proceedings of the public hearing will be video recorded and transcribed accordingly. The said recording and transcription shall be submitted to the Collector along with the final Social Impact Assessment report and Social Impact Management Plan.

(12) After the conclusion of the public hearings, the Social Impact Assessment team shall analyse the entire feedback received and information gathered in the public hearing and incorporate the same along with their analysis, in the revised Social Impact Assessment report accordingly.

(13) Every objection raised in the public hearing shall be recorded and the Social Impact Assessment agency shall ensure that the every objection shall be considered in the Social Impact Assessment report.

(14) No public re-hearing shall be conducted if the public hearing is disturbed by misbehavior of the miscreant's presents, leading to disturbance of public peace and law and order. In case of any disturbance, the next public hearing shall be treated as conclusive. In such circumstances, seven days shall be provided to file claims, objections/suggestions."

6.3.4. A perusal of the record reflects that the Section 4 Notification was duly issued on 30.06.2023, nominating Gautam Buddha University as the SIA Agency, and was published in three newspapers on 06.07.2023. Public hearings were conducted on 19.12.2023 at Village Khwajpur and

on 21.12.2023 at Village Neemka Shahjahanpur. Under Section 5, the purpose of the public hearing is limited to ascertaining the views of the affected families to be recorded in the SIA Report; the Act does not contemplate adjudication of individual objections at the SIA stage. Insofar as the Expert Group's recommendation for a re-survey is concerned, the record reveals that PwC, the technical consultant, was specifically asked to examine whether displacement could be avoided. PwC confirmed by letter dated 22.02.2024 that Villages Thora and Neemka Shahjahanpur fall within the proposed runway alignment and that no alternative alignment exists. Village Khawajpur was confirmed to lie between the taxiways of two runways and the proposed aircraft parking area, making its retention a threat to aviation safety. The Expert Group's suggestion was thus duly acted upon. The State Government, in compliance with Section 8(3) of the Act, 2013, read with Rule 11(3) of the Rules, 2016, granted approval to the SIA Report on 08.01.2025. The challenge to the SIA process is accordingly rejected.

IV. Consent – Satisfaction Of Statutory Threshold:

6.4. The petitioners have challenged the acquisition on the ground that the mandatory consent of 70% of the project-affected families was not obtained before issuance of the Section 11 notification. Rule 14 of the Rules, 2016 prescribes the detailed procedure for obtaining such prior consent. The Rule mandates identification of all affected landowners after verification of land records, preparation and publication of their list, and holding of meetings in the affected area with prior notice. It further requires that complete project details, including compensation and rehabilitation measures, be explained in the local language, and that consent be obtained individually in a prescribed format with proper authentication, signatures and verification. The process must be transparent, video recorded, and objections raised during the process must be duly recorded and considered. The Rule also mandates that the entire consent process be completed prior to issuance of the preliminary notification under Section 11 of the Act. Rule 14 provides as under:

*"14. **Recruitment and procedure to obtain consent.-** In case land is sought to be acquired for the purposes as specified under sub-section (2) of section 2, the prior consent of the affected land owners as per provisions of sub-section (2) of section 2 shall be obtained by the Collector concerned in form-5, along with the Social Impact Assessment study. Some of the principles to obtain consent given as under:—*

(a) The Collector may constitute a team of revenue officers or depute any other officers under his control to assist him in the process of obtaining the prior consent.

(b) The Collector and Sub Divisional Officer exercising the powers of District Collector shall take steps to resolve outstanding issues of land rights, land title and land records in the affected areas, so that all the land owners can be correctly identified before initiating consent procedures.

(c) The Collector shall also undertake a special drive for the purpose and complete the said exercise within a period of sixty days from the date of issuance of preliminary notification.

(d) The Collector shall, after completion of the aforesaid exercise of correcting and updating the land records shall draw out a list, of all affected land owners from whom consent must be sought, after considering the list prepared by the Social Impact Assessment Agency.

(e) The list shall be made available in the affected area by displaying the list in conspicuous places of the affected areas for at least ten days before obtaining consent.

(f) The Collector shall in consultation with the representatives of Gram Panchayat or Nagar Panchayat or Nagar Palika Parishad or Municipal Corporation, as the case may be, notify the date, time and venue at least two weeks in advance, for holding the affected land owners meetings at the concern village or ward level. It shall also be published in two daily newspapers circulating in the affected area of which at least one shall be in the regional language.

(g) The Requiring Body or its representative shall be present at all such affected land owners meetings and respond to the queries raised by the affected land owners. The terms and conditions of the project, Rehabilitation and Resettlement, Compensation and other measures committed by the Requiring Body shall be explained to the members in the local language and signatures of the members as well as the representative of Requiring Body shall be obtained on such terms and conditions.

(h) The proposed terms and conditions agreed by the Requiring Body shall also be made available in local language to each and every affected land owner, at least one week in advance.

(i) The land owner shall give his individual consent to the authorized officer.

(j) The land owner shall give his written consent having his photograph affixed on it in the format attached and the digital impression of his thumb along with his signature (if he can make it) shall be printed on his affidavit.

(k) The authorized representative of the Requiring Body shall sign on the prescribed consent Form and shall put the seal of the Requiring Body towards its commitment to the consented terms and conditions.

(l) Any member of Gram panchayat, or Zila Panchayat, Lekhpal, Gram Vikas Adhikari or any Government servant may sign on the affidavit as a witness thereof that he recognizes the person who has given consent.

(m) The prescribed consent form shall be countersigned by the officer authorised by the Collector.

(n) The form of consent and declaration so obtained shall be made available to the land acquisition officer in original, who will then prepare a list of all such land owners and shall provide it to the requiring body. One copy of this list shall also be attached with acquisition proposal, before issuing the preliminary notification under section 11(1) of the Act.

(o) All the individual consent taking procedure shall be video recorded.

(p) All persons interested in the same land can give consent on a single form.

(q) Single forms shall be used for giving consent by a same person for his different lands under acquisition.

(r) No land owner can withdraw his consent once given in the above manner.

(s) In case of a land situated in the Scheduled Area mentioned in the Fifth Schedule appended to the Constitution of India, the consent of the Gram Sabha shall be sought prior to the consent of the land owners.

(t) The consent taking process shall be concluded before issuing the Preliminary Notification under sub-section (1) of section 11.

(u) Every objection raised during the process of taking consent meeting shall be recorded and shall be considered by the requiring body.

(v) During the process of obtaining consent, those land owners, who were absent and not given his /her consent and also has not raised any objections before issuing of preliminary notification under section 11(1) of the Act, shall be considered as they have no objection for the on-going proposed acquisition."

6.4.1. This Court has carefully examined the Consent Chart placed on record by the respondent-YEIDA (Annexure CA-2 to the counter affidavit), which discloses the following consolidated picture as of 01.03.2025, compiled under Section 2(2) of the Act, 2013, read with Rule 14 of the Rules, 2016:

	Village	**Total Affected Families**	**Consent Obtained**	**Percentage**
1.	Thora	3,342	2,041	61.07%
2.	Neemka Shahjahanpur	1,635	558	34.13%
3.	Khawajpur	1,548	628	40.57%
4.	Ramner	2,105	1,934	91.88%
5.	Kishorepur	1,987	1,875	94.36%
6.	Banwaribas	703	703	100.00%
7.	Parohi	683	609	89.17%
8.	Mukimpur Shivara	796	796	100.00%
9.	Jewar Bangar	268	233	86.94%

10.	Sabouta Mustafabad	344	317	92.15%
11.	Ahmadpur Chauroli	158	69	43.67%
12.	Dayanatpur	218	215	98.62%
13.	Bankapur	216	201	93.06%
14.	Rohi	171	171	100.00%
	TOTAL	**14,174**	**10,350**	**73.02%**

6.4.2. The statutory unit for computing consent is the 'affected family' as defined under Section 3(c) of the Act, 2013, and not village-wise landholdings or individual voters. The apparent discrepancy between the earlier figure of 22.29% (document dated 21.01.2025) and the final figure of 73.02% (as on 01.03.2025) is fully explained by the removal of duplication, i.e. certain families holding land in more than one revenue village had been counted multiple times at the initial stage. For instance, the number of project-affected families in Village Thora was revised from 3,511 to 3,342, in Village Neemka Shahjahanpur from 1,726 to 1,635, and in Village Khawajpur from 1,826 to 1,548, after rectification of such duplication. Upon removal of duplication, the corrected data establishes that 73.02% of the project-affected families had consented, which is well above the mandatory 70% threshold under Section 2(2)(b)(ii) of the Act, 2013.

6.4.3. An identical question arose during the Stage-1 acquisition in **Kichhu Ram** (supra), wherein in paragraph-11, this Court held as under:

> "*11. According to the petitioners, consent has not been obtained from atleast 70% of the affected families in terms of Section 2(2) of the Act. The counsel for the respondents, on the basis of information received, have placed reliance upon a report of the Collector dated 05.01.2019 to contend that there are six villages that would fall within the area covered for the purpose of the project and the number of families to be affected would be 5926 out of which 4235 families have already given their consent for the project. The percentage of affected families which have given consent comes to 72%, which is more than 70%. Thus, the argument of the learned counsel for the petitioners that no consent has been obtained and atleast consent of 70% of the affected families is required under Section 2(2) of the Act, is not sustained.*"

6.4.4. The ratio of **Kichhu Ram** (supra) squarely governs the present case. Once the official data demonstrates that the statutory threshold of

70% has been satisfied, the challenge on the ground of lack of consent cannot be sustained. The objection is accordingly rejected.

V. Compliance With The Statutory Process – Compliance Chart Examined:

6.5. This Court has carefully examined the step-by-step compliance chart brought on record during the course of hearing and subsequently filed by the respondent–YEIDA as Appendix-1 to its written submissions. The said chart sets out each step in the acquisition process, the corresponding statutory provisions under the Act, 2013 and the Rules, 2016, and the specific dates of compliance. The chart, which has not been effectively controverted by the petitioners, is summarised hereunder:

Step	**Statutory Provision**	**Legal Mandate**	**Compliance / Key Dates**
1. SIA Notification	Sec. 4(1) / Rule 3	Govt. issues SIA notification; published in Gazette, 2 newspapers (one regional) and locally. Study completed within 6 months.	30.06.2023: Sec. 4 Notification; 07.07.2023: Published in newspapers; SIA Agency: Gautam Buddha University; Study completed: 05.12.2023
2. Public Hearing (SIA)	Sec. 5 / Rule 7	SIA Agency conducts mandatory public hearing after adequate notice to record views of affected families.	19.12.2023 (Khwajpur) & 21.12.2023 (Neemka Shahjahanpur): Public hearings conducted
3. SIA Report & Expert Appraisal	Sec. 6 & 7 / Rules 8 & 10	SIA Report submitted to Govt; evaluated by Expert Group confirming public purpose and project feasibility.	01.02.2024: Notice regarding completion published; 09.02.2024: Expert Group unanimously approved report; published 21.03.2024
4. Govt. Decision and Approval	Sec. 8 / Rule 11	Govt. reviews SIA & Expert Group reports and decides whether to proceed. Approval published.	08.01.2025: State Govt. granted approval; 11.01.2025: Published in Amar Ujala & Dainik Jagran
5. Explicit Consent	Sec. 2(2)(b)(ii) / Rule 14	Prior consent of 70% of project-affected families (PPP project).	73.02% of affected families consented as of 01.03.2025 (above 70% threshold)
6. Preliminary Notification	Sec. 11 / Rule 20	Notification of intent; freezes transactions; 60 days for objections.	11.04.2025: Notification; 1,857.7706 hectares notified; 13.04.2025: Published in newspapers
7. Survey	Sec. 12 / Rules 16 & 22	Preliminary survey of land to be conducted.	Survey conducted in Villages Neemka Shahjahanpur, Khwajpur & Thora
8. Hearing of Objections	Sec. 15(1) / Rule 23	60 days for objections; Collector gives personal hearing and submits report.	03.07.2025: Notice; 08.07.2025: Hearing – Neemka Shahjahanpur; 10.07.2025: Hearing – Khwajpur & Thora; 11.07.2025: Objections

			dismissed by reasoned order
9. Collector's Report & Govt. Decision	Sec. 15(2) & (3) / Rule 23	Collector forwards disposal report; State Govt. decision is final.	11.07.2025: Collector's report forwarded; 29.07.2025: State Govt. approved
10. R&R Scheme	Sec. 16, 17 & 26 / Rules 24 & 18	Administrator prepares draft R&R Scheme; public hearing; Commissioner's approval before Sec. 19.	26.06.2025: Notice for public hearing; 14.07.2025: Draft R&R Scheme published; 21.07.2025: Approval under Sec. 18 23.07.2025: Publication in Amar Ujala and Dainik Jagran
11. Final Declaration	Sec. 19 / Rule 27	Issued within 12 months of Sec. 11 Notification; R&R Scheme summary included.	24.10.2025: Declaration issued; 27.10.2025: Published in newspapers

6.5.1. A perusal of the Compliance Chart demonstrates that the acquisition process has been conducted in meticulous compliance with each stage prescribed under the Act, 2013 and the Rules, 2016.

VI. Hearing Of Objections Under Section 15 – Procedure Followed:

6.6. Section 15 of the Act, 2013 provides for hearing of objections to the proposed acquisition. It confers a statutory right upon any person interested in the land to raise objections within sixty days from the date of publication of the preliminary notification issued under Section 11(1). The objections may relate to the suitability and extent of land, the justification of public purpose, and the findings of the Social Impact Assessment report. The provision mandates that such objections be considered by the Collector after affording an opportunity of personal hearing, including through an authorised representative or advocate. The Collector is required to conduct necessary inquiry and submit a report with recommendations, along with the record of proceedings and relevant details, to the appropriate Government. The final decision on such objections rests with the appropriate Government. Section 15 of the Act, 2013 provides as under:

> "***15. Hearing of objections.-*** *(1) Any person interested in any land which has been notified under sub-section (1) of Section 11, as being required or likely to be required for a public purpose, may within sixty days from the date of the publication of the preliminary notification, object to-*

(a) the area and suitability of land proposed to be acquired;

(b) justification offered for public purpose;

(c) the findings of the Social Impact Assessment report.

(2) Every objection under sub-section (1) shall be made to the Collector in writing, and the Collector shall give the objection an opportunity of being heard in person or by any person authorised by him in this behalf or by an Advocate and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of Section 11, or make different reports in respect of different parcels of such land, to the appropriate Government, containing his recommendations on the objections, together with the record of the proceedings held by him along with a separate report giving therein the approximate cost of land acquisition, particulars as to the number of affected families likely to be resettled, for the decision of that Government.

(3) The decision of the appropriate Government on the objections made under sub-section (2) shall be final."

6.6.1. Rule 23 of the Rules, 2016 prescribes the procedure for hearing of objections filed under Section 15 of the Act, 2013. The Rule mandates that objections must be heard by the Collector personally and not delegated. It requires issuance of notice to the objector as well as the requiring body, affording them an opportunity to appear, produce evidence, and be heard either in person or through an authorised representative or counsel. The Collector is empowered to adjourn proceedings, conduct further inquiry, and ensure expeditious completion of the process. After considering all objections and evidence, the Collector is required to prepare a detailed report with recommendations, along with the record of proceedings, for decision by the appropriate Government. Rule 23 of the Rules, 2016 prescribes the procedure for hearing of objections and provides, inter alia, as under:

*"**23. Hearing of objections.-** (1) The intimation of Public hearing shall be conducted by giving notice in two daily newspapers circulating in the affected area of which at least one shall be in the regional language, and also by way of a public notice by affixing it at some conspicuous places in the affected areas, indicating its time, place of the office for hearing (preferably at the office of land acquisition officer) and the date there-in.*

(2) Hearing of objections under sub-section (2) of section 15 should be performed by the Collector for the purpose of acquisition, in person and not be delegated.

(3) When the Collector receives, within the prescribed period, a written objection from a person interested in the land, he should cause a notice to be served on the objector to appear before him in person or by a duly authorised

representative or by an authorised pleader on a specified date, time and place to produce the evidence, if any, on which he relies. Notice of the hearing and enquiry should also be given to the requiring body; the latter, if he desires to be heard or to adduce evidence in support of the proposed acquisition, should be permitted to do so either in person or through an authorised representative.

(4) On the application of either party the Collector may exercise his powers under section 35 of the Act. (5) The hearing may be adjourned by the Collector from time to time, if necessary.

(6) The enquiries must be completed most expeditiously in view of first proviso to section 19, whereby time limit of one year has been prescribed from the date of publication of preliminary notification under sub-section (1) of section 11 to publication of declaration under section 19 of the Act:

Provided that the State Government shall have the powers to extend the period of hearing objections if in opinion circumstances exist justifying the same: recorded in writing and the same shall be notified and be uploaded on the website of authority concerned.

(7) The Collector after hearing all the objections and recording a memorandum of the evidence produced in support thereof or in support of the proposal to acquire the land and after making further enquiry if he thinks necessary, he shall submit the case for decision of the State Government containing his recommendations on the objections, together with the record of proceedings held by him along with a separate report giving therein the approximate cost of land acquisition, particulars as to the number of affected families likely to be resettled, for the decision of the Government, at the time of sending proposal of declaration under section 19 of the Act:

Provided that, the State Government or District Collector as case may be shall take decision on such recommendations for the project. The decision of the State Government /District Collector shall be final:

Provided further that, if acquisition of land for any project area falls under the jurisdiction of more than one district, then the State Government or the District Collector, as the case may be, shall send the proposal to the concerned administrative department at Government level, for the necessary approval. The decision of the administrative department shall be final."

6.6.2. From the record, it is evident that notices dated 03.07.2025 were duly issued under Rule 23 of the Rules, 2016 fixing 08.07.2025 for hearing of objections from Village Neemka Shahjahanpur and 10.07.2025 for Villages Khwajpur and Thora. The public notice was published in newspapers on 03.07.2025 and local public announcements were made. Some of the petitioners, including representatives of the Sangharsh Samiti, appeared and were afforded a personal hearing. After due consideration, the Collector passed a reasoned order dated 11.07.2025, dismissing the objections on the ground that they fell outside the limited statutory scope of Section 15(1), which confines objections only to the area and suitability of land, justification for public

purpose, and findings of the SIA Report. The Collector's report was forwarded to and approved by the State Government on 29.07.2025 under Section 15(3). The decision of the appropriate Government under Section 15(3) is final. This Court finds no infirmity in the procedure followed under Section 15 of the Act, 2013. This finding is consistent with and supported by the judgment of this Court in **Kichhu Ram** (supra), wherein on identical facts in the Stage-1 acquisition for the same Airport Project, this Court found that there was due compliance with the provisions of Section 15 of the Act, 2013, read with Rule 23 of the Rules, 2016, and upheld the acquisition. The present case stands on an even firmer factual footing, since all objections were heard by the Collector in person, a reasoned disposal order was passed, and the State Government's decision thereon was obtained before the Section 19 declaration.

VII. Parallel Conduct Of Proceedings Under Sections 15 And 16:

6.7. The petitioners have contended that initiation of proceedings under Section 16 prior to disposal of objections under Section 15 constitutes an illegality. Section 16 of the Act, 2013 provides for preparation of the Rehabilitation and Resettlement Scheme by the Administrator after issuance of the preliminary notification under Section 11(1). It mandates that the Administrator shall conduct a detailed survey and census of affected families, including particulars of land, livelihoods, affected infrastructure, and common resources. Based on such survey, a draft Rehabilitation and Resettlement Scheme is to be prepared specifying the entitlements of affected persons, along with details of amenities and facilities to be provided. The provision further requires that the draft scheme be widely publicised, discussed in Gram Sabhas or Municipalities, and subjected to a public hearing. The claims and objections raised in such hearing are to be considered, and thereafter the

Administrator is required to submit the draft scheme along with a report to the Collector. Section 16 of the Act, 2013 provides as under:

> *"**16. Preparation of Rehabilitation and Resettlement Scheme by the Administrator.**–(1) Upon the publication of the preliminary notification under sub-section (1) of section 11 by the Collector, the Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families, in such manner and within such time as may be prescribed, which shall include—*
>
> *(a) particulars of lands and immovable properties being acquired of each affected family;*
>
> *(b) livelihoods lost in respect of land losers and landless whose livelihoods are primarily dependent on the lands being acquired;*
>
> *(c) a list of public utilities and Government buildings which are affected or likely to be affected, where resettlement of affected families is involved;*
>
> *(d) details of the amenities and infrastructural facilities which are affected or likely to be affected, where resettlement of affected families is involved; and*
>
> *(e) details of any common property resources being acquired.*
>
> *(2) The Administrator shall, based on the survey and census under sub-section (1), prepare a draft Rehabilitation and Resettlement Scheme, as prescribed which shall include particulars of the rehabilitation and resettlement entitlements of each land owner and landless whose livelihoods are primarily dependent on the lands being acquired and where resettlement of affected families is involved—*
>
> *(i) a list of Government buildings to be provided in the Resettlement Area;*
>
> *(ii) details of the public amenities and infrastructural facilities which are to be provided in the Resettlement Area.*
>
> *(3) The draft Rehabilitation and Resettlement scheme referred to in sub-section (2) shall include time limit for implementing Rehabilitation and Resettlement Scheme.*
>
> *(4) The draft Rehabilitation and Resettlement scheme referred to in sub-section (2) shall be made known locally by wide publicity in the affected area and discussed in the concerned Gram Sabhas or Municipalities.*
>
> *(5) A public hearing shall be conducted in such manner as may be prescribed, after giving adequate publicity about the date, time and venue for the public hearing at the affected area:*
>
> *Provided that in case where an affected area involves more than one Gram Panchayat or Municipality, public hearings shall be conducted in every Gram Sabha and Municipality where more than twenty-five per cent. of land belonging to that Gram Sabha or Municipality is being acquired:*
>
> *Provided further that the consultation with the Gram Sabha in Scheduled Areas shall be in accordance with the provisions of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996).*
>
> *(6) The Administrator shall, on completion of public hearing submit the draft Scheme for Rehabilitation and Resettlement along with a specific report on the claims and objections raised in the public hearing to the Collector.*"

6.7.1. Section 19 of the Act, 2013 prescribes the stage of declaration of acquisition and the outer time limit for issuance of such declaration. It provides that after considering the report under Section 15, the appropriate Government, if satisfied that the land is required for a public purpose, shall issue a declaration to that effect along with identification of the resettlement area. The provision mandates simultaneous publication of a summary of the Rehabilitation and Resettlement Scheme and requires prior deposit of acquisition cost by the requiring body. It further lays down the manner of publication of the declaration and specifies its contents. Importantly, Section 19 stipulates that the declaration must be issued within a period of twelve months from the date of the preliminary notification under Section 11, failing which the notification shall lapse, subject to exclusion of the period of stay and permissible extension by the appropriate Government for recorded reasons. Section 19 of the Act, 2013 prescribes the outer limit for issuance of the declaration and provides as under:

> *"**19. Publication of declaration and summary of Rehabilitation and Resettlement.**–(1) When the appropriate Government is satisfied, after considering the report, if any, made under sub-section (2) of section 15, that any particular land is needed for a public purpose, a declaration shall be made to that effect, along with a declaration of an area identified as the "resettlement area" for the purposes of rehabilitation and resettlement of the affected families, under the hand and seal of a Secretary to such Government or of any other officer duly authorised to certify its orders and different declarations may be made from time to time in respect of different parcels of any land covered by the same preliminary notification irrespective of whether one report or different reports has or have been made (wherever required).*
>
> *(2) The Collector shall publish a summary of the Rehabilitation and Resettlement Scheme along with declaration referred to in sub-section (1):*
>
> *Provided that no declaration under this sub-section shall be made unless the summary of the Rehabilitation and Resettlement Scheme is published along with such declaration:*
>
> *Provided further that no declaration under this sub-section shall be made unless the Requiring Body deposits an amount, in full or part, as may be prescribed by the appropriate Government toward the cost of acquisition of the land:*
>
> *Provided also that the Requiring Body shall deposit the amount promptly so as to enable the appropriate Government to publish the declaration within a period of twelve months from the date of the publication of preliminary notification under section 11.*
>
> *(3) In projects where land is acquired in stages, the application for acquisition itself can specify different stages for the rehabilitation and*

resettlement, and all declarations shall be made according to the stages so specified.

(4) Every declaration referred to in sub-section (1) shall be published in the following manner, namely:—

(a) in the Official Gazette;

(b) in two daily newspapers being circulated in the locality, of such area of which one shall be in the regional language;

(c) in the local language in the Panchayat, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil;

(d) uploaded on the website of the appropriate Government;

(e) in the affected areas, in such manner as may be prescribed.

(5) Every declaration referred to in sub-section (1) shall indicate,—

(a) the district or other territorial division in which the land is situated;

(b) the purpose for which it is needed, its approximate area; and

(c) where a plan shall have been made for the land, the place at which such plan may be inspected without any cost.

(6) The declaration referred to in sub-section (1) shall be conclusive evidence that the land is required for a public purpose and, after making such declaration, the appropriate Government may acquire the land in such manner as specified under this Act.

(7) Where no declaration is made under sub-section (1) within twelve months from the date of preliminary notification, then such notification shall be deemed to have been rescinded:

Provided that in computing the period referred to in this sub-section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any Court shall be excluded:

Provided further that the appropriate Government shall have the power to extend the period of twelve months, if in its opinion circumstances exist justifying the same:

Provided also that any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned.*"*

(Emphasis supplied)

6.7.2. This Court is not persuaded by the petitioners' contention. The Act, 2013 prescribes a mandatory timeline of twelve months under Section 19 within which the declaration must be issued. Within this compressed period, Section 15 requires disposal of objections within sixty days, Section 16(1) mandates completion of the R&R survey within three months of the Section 11 notification, and Section 18 requires the Commissioner's approval of the R&R Scheme prior to the Section 19

declaration. If proceedings under Sections 15 and 16 were required to operate strictly sequentially, compliance with the mandatory timeline under Section 19 would, in most cases, be rendered practically impossible, and the legislative intent of ensuring expeditious acquisition for public purpose would be entirely frustrated. A harmonious reading of Sections 15, 16, 18, and 19 of the Act, 2013 leads to the conclusion that these provisions are designed to operate concurrently and not in a strictly sequential manner. No illegality is therefore attributable to the parallel conduct of proceedings under Sections 15 and 16 in the present case.

VIII. R&R Scheme – Adequacy And Compliance:

6.8. Section 18 of the Act, 2013 provides that no declaration under Section 19 shall be made unless the Rehabilitation and Resettlement Scheme under Section 17 has been tendered. Rule 24 of the Rules, 2016 mandates preparation of the draft R&R Scheme within three months of the Section 11 notification, followed by public hearings and approval. This Court is satisfied that the R&R Scheme framed for the present acquisition has been approved by the Commissioner on 21.07.2025, prior to issuance of the Section 19 Declaration on 24.10.2025, in full compliance with Section 18 of the Act, 2013 and Rule 24 of the Rules, 2016. The Scheme provides a comprehensive package including allotment of developed residential land (50% of existing landholding, minimum 50 sq. mtrs., maximum 500 sq. mtrs.), employment option or lump sum of Rs. 5,00,000/- or annuity of Rs. 2,000/- per month for 20 years, subsistence allowance, transportation allowance, resettlement allowance, and special assistance for SC/ST families, all in accordance with the Act, 2013. The petitioners' objections raised during the public hearing on 09/10.07.2025 were specifically recorded and addressed in the draft R&R Scheme dated 14.07.2025. The Stage-1 R&R implementation - involving resettlement of displaced families in planned urban residential sectors without any development charges, with stamp

duty borne by the authorities - further establishes the bona fides of the respondent authorities.

IX. Section 19 Declaration – No Expansion Of Acquisition:

6.9. The petitioners have contended that Schedule-B of the Section 19 Declaration dated 24.10.2025 illegally expands the acquisition by including an additional area of 78.6776 hectares of Village Neemka Shahjahanpur, which was not covered by the notification issued under Section 11. In order to test this contention, it is necessary to refer to Section 19(2) of the Act, 2013, which provides as under:

> *"(2) The Collector shall publish a summary of the Rehabilitation and Resettlement Scheme along with declaration referred to in sub-section (1):*
>
> *Provided that no declaration under this sub-section shall be made unless the summary of the Rehabilitation and Resettlement Scheme is published along with such declaration:*
>
> *Provided further that no declaration under this sub-section shall be made unless the Requiring Body deposits an amount, in full or part, as may be prescribed by the appropriate Government toward the cost of acquisition of the land:*
>
> *Provided also that the Requiring Body shall deposit the amount promptly so as to enable the appropriate Government to publish the declaration within a period of twelve months from the date of the publication of preliminary notification under section 11."*

6.9.1. A plain reading of Section 19(2) makes it evident that the declaration under Section 19(1) is required to be accompanied not only by the summary of the Rehabilitation and Resettlement Scheme but also by an indication of the area required for the resettlement of the affected families. The land identified in Schedule-B of the impugned Section 19 Declaration admeasuring 437.9931 hectares (of which 78.6776 hectares pertains to Village Neemka Shahjahanpur) has been included solely as the identified resettlement area for the purpose of displaced families, in compliance with the mandate of Section 19(2). It does not form part of the land proposed to be acquired for the airport expansion project under Section 19(1). Identification of land for R&R purposes under Section 19(2) is a distinct statutory obligation and does not constitute acquisition

of such land under Section 19(1). The acquisition of 437.9931 hectares identified for R&R purposes shall be undertaken only through a separate and independent acquisition process strictly in accordance with the provisions of the Act, 2013. The petitioners have thus fundamentally conflated two distinct statutory processes under the same section. The contention is accordingly rejected.

X. Section 10 – Food Security:

6.10. Section 10 of the Act, 2013 provides for special provisions to safeguard food security. It imposes a general prohibition on acquisition of irrigated multi-cropped land, except in exceptional circumstances as a last resort and subject to limits to be notified by the appropriate Government. The provision further mandates that where such land is acquired, either an equivalent area of cultivable wasteland must be developed for agricultural purposes or an equivalent amount must be invested to enhance food security. It also places an overall cap on acquisition of agricultural land in a district or State. However, these restrictions do not apply to linear projects such as railways, highways, canals and power lines. Section 10 of the Act, 2013 provides as under:

> *"**10. Special provision to safeguard food security.**–(1) Save as otherwise provided in sub-section (2), no irrigated multi-cropped land shall be acquired under this Act.*
>
> *(2) Such land may be acquired subject to the condition that it is being done under exceptional circumstances, as a demonstrable last resort, where the acquisition of the land referred to in sub-section (1) shall, in aggregate for all projects in a district or State, in no case exceed such limits as may be notified by the appropriate Government considering the relevant State specific factors and circumstances.*
>
> *(3) Whenever multi-crop irrigated land is acquired under sub-section (2), an equivalent area of culturable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of the land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security.*
>
> *(4) In a case not falling under sub-section (1), the acquisition of the agricultural land in aggregate for all projects in a district or State, shall in no case exceed such limits of the total net sown area of that district or State, as may be notified by the appropriate Government:*

Provided that the provisions of this section shall not apply in the case of projects that are linear in nature such as those relating to railways, highways, major district roads, irrigation canals, power lines and the like."

6.10.1. The petitioners' Written Submissions raise three specific sub-grounds under Section 10 of the Act, 2013: (i) that the provisions of Section 10 are mandatory in nature and have not been complied with; (ii) that Section 10(3), which requires development of equivalent culturable wasteland or deposit of an equivalent monetary value when multi-cropped irrigated land is acquired under sub-section (2), has not been complied with; and (iii) that the limit under Section 10(4) has been exceeded. This Court proceeds to adjudicates each ground hereinafter.

6.10.2. Insofar as Section 10(4) is concerned, the State Government has notified 5% of the net sown area as the applicable limit for District Gautam Buddha Nagar. The net sown area of the district is 64,046 hectares, and the total acquisition across all stages in the district does not exceed this notified limit of 5%. The requirement of Section 10(4) accordingly stands satisfied. This finding is directly supported by and consistent with the judgment of this Court in **Kichhu Ram** (supra), wherein, in the context of the Stage-1 acquisition for the same Airport Project in the same district, this Court held that the requirement of Section 10 of the Act, 2013 stood fulfilled since the acquired area was only 1.9% of the total net sown area of District Gautam Buddha Nagar, which was well within the notified limit of 5%. The present acquisition across all stages similarly remains within the notified limit and the ground under Section 10(4) fails.

6.10.3. Insofar as Section 10(3) is concerned, that provision is triggered only when multi-cropped irrigated land is acquired under Section 10(2), i.e., under exceptional circumstances as a demonstrable last resort. The petitioners have not placed any specific material on record to establish that the land being acquired is irrigated multi-cropped land within the meaning of Section 10(1), nor have they produced any khasra or girdawari records before this Court to substantiate this claim. The writ

petitions themselves contain internal contradictions in this regard. In the Stage-1 case, this Court also noted that contradiction in **Kichhu Ram** (supra) (Writ Petition No. 6499 of 2019), particularly referring to paragraph 8 described the land as three-cropped while paragraph 20 described it as four-cropped. In the present case also, no documentary material has been placed on record before this Court to conclusively establish that the lands are irrigated multi-cropped. In the absence of such material, the applicability of Section 10(3) cannot be presumed. Furthermore, the record does not disclose that the Collector or the State Government, while processing the acquisition, arrived at a finding that the land is irrigated multi-cropped land requiring application of Section 10(2) and (3). The ground under Section 10(3) is accordingly found to be not established and is, therefore, rejected.

XI. Expert Group's Report:

6.11. The petitioners' Written Submissions allege that the State Government did not consider the Expert Group's report under Section 7(2) of the Act, 2013 and that no finding with regard to displacement was recorded, in violation of Rule 11(2) of the Rules, 2016. This contention is examined henceforth. Section 7 of the Act, 2013 provides for constitution and appraisal by the Expert Group, and sub-sections (4) and (5) thereof are particularly material. Sub-Section (4) provides that where the Expert Group concludes that the proposed acquisition is not for a public purpose or the social costs and adverse impacts outweigh the benefits, the appropriate Government shall not proceed with the acquisition process. Sub-Section (5) provides that where the Expert Group concludes that the proposed acquisition is for a public purpose and the benefits outweigh the social costs and adverse impacts, the appropriate Government may proceed with the acquisition process. Section 7 provides as under:

> *"7. **Appraisal of Social Impact Assessment report by an Expert Group**.–(1) The appropriate Government shall ensure that the Social Impact Assessment report is evaluated by an independent multi-disciplinary Expert Group, as may be constituted by it.*

(2) The Expert Group constituted under sub-section (1) shall include the following, namely:—

(a) two non-official social scientists;

(b) two representatives of Panchayat, Gram Sabha, Municipality or Municipal Corporation, as the case may be;

(c) two experts on rehabilitation; and

(d) a technical expert in the subject relating to the project.

(3) The appropriate Government may nominate a person from amongst the members of the Expert Group as the Chairperson of the Group.

(4) If the Expert Group constituted under sub-section (1), is of the opinion that,—

(a) the project does not serve any public purpose; or

(b) the social costs and adverse social impacts of the project outweigh the potential benefits,

it shall make a recommendation within two months from the date of its constitution to the effect that the project shall be abandoned forthwith and no further steps to acquire the land will be initiated in respect of the same:

Provided that the grounds for such recommendation shall be recorded in writing by the Expert Group giving the details and reasons for such decision:

Provided further that where the appropriate Government, inspite of such recommendations, proceeds with the acquisition, then, it shall ensure that its reasons for doing so are recorded in writing.

(5) If the Expert Group constituted under sub-section (1), is of the opinion that,—

(a) the project will serve any public purpose; and

(b) the potential benefits outweigh the social costs and adverse social impacts,

it shall make specific recommendations within two months from the date of its constitution whether the extent of land proposed to be acquired is the absolute bare-minimum extent needed for the project and whether there are no other less displacing options available:

Provided that the grounds for such recommendation shall be recorded in writing by the Expert Group giving the details and reasons for such decision.
(6) The recommendations of the Expert Group referred to in sub-sections (4) and (5) shall be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed and uploaded on the website of the appropriate Government."

6.11.1. A plain reading of Section 7(4) and (5) of the Act, 2013 makes the position clear: if the Expert Group concludes that the acquisition is

for a public purpose and that the benefits outweigh the social costs, the appropriate Government may proceed. Interference by the Court is warranted only if the Expert Group recommends abandonment under Section 7(4) and the Government proceeds in defiance of that recommendation. In the present case, the Expert Group, constituted in accordance with Section 7 and Rule 10 of the Rules, 2016, submitted its report on 09.02.2024 and unanimously concluded: (i) that the proposed acquisition of 1,888.9088 hectares across fourteen villages serves a valid public purpose; (ii) that the total proposed area constitutes the bare minimum requirement for the project; and (iii) that no viable alternative exists which would result in lesser displacement. The Expert Group thus returned a finding squarely within Section 7(5) and expressly did not make any recommendation under Section 7(4) for abandonment of the acquisition. Thereafter the State Government, in compliance with Section 8 of the Act, 2013, approved the SIA Report on 08.01.2025. The petitioners' suggestion that the Expert Group recommended that Villages Thora and Neemka should be kept free from displacement has already been found to be a misreading of the record, the Expert Group merely suggested that the possibility be explored, upon which PwC conclusively confirmed the unavoidability of relocation. No recommendation under Section 7(4) was made. The ground under Section 7(2) read with Rule 11(2) of the Rules, 2016 accordingly fails and is rejected.

XII. Rule 13 of the Rules, 2016 -Minimum Land Acquisition and Utilisation of Government Land:

6.11.2. The petitioners' Written Submissions specifically raise violation of Rule 13 of the Rules, 2016 and contend that the authorities were required to ensure acquisition of the minimum amount of land and to facilitate utilisation of unutilised public/Government land before resorting to acquisition of private land. The petitioners claim that approximately 296 hectares of Government land was available and should have been used, and that the total acquisition of 1,857.77 hectares is far in excess of the minimum requirement. Rule 13 of the Rules, 2016 provides as under:

> *"13. Inventory of Waste, Barren and Unutilised Land.- To ensure acquisition of minimum amount of land and to facilitate the utilization of unutilized public lands, the State Government, by way of notification, shall make necessary arrangements to authorise any department to prepare a district-level inventory report of waste, barren and unutilized public land. If it is requested or required then the land available in the State Government land bank and shall be made available to the Social Impact Assessment team and Expert group. The inventory report shall be updated from time to time."*

6.11.3. This Court has carefully considered the petitioners' contention in the light of Rule 13. The record discloses that the Multi-Disciplinary Expert Group, constituted under Section 7 of the Act, 2013 and Rule 10 of the Rules, 2016, specifically examined and recorded in its report dated 09.02.2024 that the total proposed acquisition area of 1,888.9088 hectares constitutes the bare minimum requirement for the project, and that no viable alternative exists which would result in lesser acquisition or displacement. This finding of the Expert Group, which is the body specifically constituted to appraise the SIA Report and determine whether the minimum land requirement has been met, was accepted and approved by the State Government on 08.01.2025 under Section 8 of the Act, 2013. Furthermore, the PwC technical report specifically confirmed that the three villages in question lie within the alignment of runways and aircraft parking areas, and that no alternative technical configuration is available. On the petitioners' computation regarding Government land, this Court notes that the petitioners' written submissions themselves acknowledge that approximately 296 hectares of Government land exists in the area, which is already included within and accounted for in the total acquisition. The fact that some Government land forms part of the acquisition does not establish a violation of Rule 13, it establishes compliance with it, since Government land is being utilised as part of the same proceedings. The record does not disclose any non-compliance of Rule 13. The ground qua violation of Rule 13 is accordingly rejected.

XIII. Challenge Based On The U.P. Industrial Area Development Act, 1976:

6.12. The petitioners have contended that since Village Neemka Shahjahanpur was declared as an Industrial Nagar under the Act, 1976

by notification dated 14.12.2018, any acquisition or displacement could only be carried out by the Industrial Development Authority under that Act. This Court is unable to accept this contention. Section 6 of the Act, 1976 itself contemplates acquisition of land either by agreement or through proceedings under the land acquisition law in force. With the repeal of the Land Acquisition Act, 1894, such acquisition necessarily operates through the Act, 2013. The Act, 1976 is not a self-contained code for compulsory acquisition, and the declaration of an area as an industrial township does not, in law, bar the exercise of acquisition powers under the Act, 2013 for a distinct public purpose. Displacement, if any, is not a function of the acquiring authority but a consequence regulated exclusively through the R&R framework under the Act, 2013, irrespective of the nature of the acquiring authority. Furthermore, as rightly urged by the learned Senior Counsel for YEIDA, there is no specific pleading in the writ petitions disclosing how the Act, 1976 creates a jurisdictional bar to the exercise of acquisition powers under the Act, 2013. This contention is accordingly rejected. This Court also notes that an identical contention was raised and came to be rejected in the **Kichhu Ram** case (supra) in respect of the Stage-1 acquisition.

XIV. Article 300-A – Right To Property:

6.13. The petitioners have invoked Article 300-A of the Constitution of India, which provides that no person shall be deprived of his property save by authority of law. This Court fully recognises that the right to property, though no longer a fundamental right after the 44th Constitutional Amendment, remains a constitutional right under Article 300-A and is entitled to the protection of law. However, the right under Article 300-A is not an absolute right; it is subject to the State's power of eminent domain exercised through a valid law and a fair legal procedure. The protection afforded by Article 300-A is that the deprivation of property must be by authority of law - meaning a valid law that has been followed in letter and spirit.

6.13.1. In the present case, this Court has found, upon detailed examination, that the entire acquisition process has been carried out strictly in accordance with the Act, 2013, which is a valid law enacted by Parliament specifically to govern land acquisition while safeguarding the interests of landowners and affected families through mandatory SIA, public hearings, consent requirements, fair compensation, and rehabilitation and resettlement entitlements. The Act, 2013 is itself a comprehensive legislative response to the constitutional mandate under Article 300-A, incorporating procedural and substantive safeguards that go significantly beyond the previous Land Acquisition Act, 1894. Since the acquisition has been conducted in full compliance with the Act, 2013 and the Rules, 2016, there is no deprivation of property otherwise than by authority of law, and no violation of Article 300-A is made out. The constitutional challenge accordingly fails.

XV. Petitioners' Urgency Clause Argument:

6.14. The petitioners have submitted in their written submissions that the notifications were required to be issued with an urgency clause in consonance with Section 40 of the Act, 2013, since the Government was acting with undue haste, and that the absence of the urgency clause but the presence of alleged procedural shortcuts is inconsistent. Section 40 of the Act, 2013 provides for the special provision of urgency for acquisition by the appropriate Government in cases of urgency, which enables the Collector to take possession of land even before the award is passed. This Court records that the present acquisition was not carried out under the urgency clause provisions of Section 40. On the contrary, the entire acquisition has been processed through the normal, full, and complete procedure prescribed under the Act, 2013, from Section 4 (SIA notification) all the way through Sections 7, 8, 11, 15, 16, 17, 18, and 19, with each step being duly completed before proceeding to the next. Paradoxically, the petitioners' own argument on this point supports the respondents. The very fact that no urgency clause was invoked means that the fullest possible statutory procedure was followed without any curtailment of the petitioners' rights at any stage. Far from disclosing any

illegality, the absence of the urgency clause is conclusive evidence of the *bona fide* intent of the respondent authorities to follow the complete due process of law. The petitioners' argument on this ground is accordingly rejected and is in fact a further circumstance that supports the conclusion that the acquisition is valid.

XVI. Distinction of judgment in D.B. Basnett (D) through Lrs. vs. The Collector and another:

6.15. The petitioners have relied upon the judgment of the Hon'ble Supreme Court in **D.B. Basnett** (D) (supra), for the proposition that the provisions of the land acquisition law are mandatory in nature and must be strictly followed. In that case, the Agriculture Department of the Government of Sikkim sought to acquire land in the year 1980 for the purpose of building a Progeny Orchard Regional Centre. The landowner's successor filed a suit for possession after finding the State in occupation of his land in the year 2002. The State sought to defend on the ground that the land had been acquired and compensation paid. However, the Supreme Court found that: (i) no notification of intent to acquire under Section 4 of the Sikkim Land (Requisition and Acquisition) Act, 1977 had been issued or produced; (ii) no declaration or any other acquisition document was available on record; (iii) no proof of actual payment of compensation existed beyond a covering letter, i.e. the signed receipt was missing and there was no proof of the Collector having withdrawn the sum from any account; and (iv) the entire acquisition record was admittedly unavailable with the State. On these facts, the Supreme Court held that there cannot be a presumption of acquisition without following the due process under Sections 3(1), 4(2), 5(1) and 7(2) of the said Act, and that the burden lay on the State to prove that the statutory process had been followed and compensation paid, a burden which the State had entirely failed to discharge. It further reiterated that rights in land, though no longer a fundamental right, remain a constitutional right under Article 300-A, and provisions seeking to divest any person of property must be strictly followed.

6.15.1. The said judgment is clearly and manifestly distinguishable from the present case on every material aspect. In D.B. Basnett (supra), the State could not produce a single acquisition document - no notification, no declaration, no compensation receipt - and the entire acquisition record was concededly missing. The Supreme Court intervened precisely because there was a total absence of compliance with the mandatory statutory process, rendering the purported acquisition entirely without the authority of law. The present case stands in diametric contrast. As this Court has found upon exhaustive examination, the acquisition has been conducted in meticulous compliance with each stage prescribed under the Act, 2013 and the Rules, 2016, as conclusively demonstrated by the Compliance Chart on record, the notifications under Sections 11 and 19, the record of hearings under Section 15, the approved R&R Scheme under Section 18, and the awards under Section 23 - all of which are documented and placed before this Court. **D.B. Basnett** judgment is a case of acquisition without any process; the present is a case of acquisition with a full, documented and verified statutory process. The proposition of law laid down therein that statutory provisions must be strictly followed, in fact supports the respondents, since it is precisely because those provisions have been meticulously followed in the present case that the acquisition goes through scrutiny. The judgment accordingly provides no assistance to the petitioners and is inapplicable.

XVII. Distinction of judgment in Kolkata Muncipal Corporation and another vs. Bimarl Kumar Shah:

6.16. The petitioners have also relied upon the judgment of the Hon'ble Supreme Court in Kolkata Municipal Corporation (supra), for the proposition that the right to property under Article 300-A of the Constitution comprises seven intersecting sub-rights or procedural safeguards which must all be satisfied before a person is deprived of his property. These seven sub-rights, as identified by the Supreme Court, are: (i) the right to notice; (ii) the right to be heard; (iii) the right to a reasoned decision; (iv) the duty to acquire only for a public purpose; (v)

the right of restitution or fair compensation; (vi) the right to an efficient and expeditious process; and (vii) the right of conclusion. In that case, the Kolkata Municipal Corporation purported to compulsorily acquire a private property under Section 352 of the Kolkata Municipal Corporation Act, 1980, without following any procedure for acquisition whatsoever. The Supreme Court, affirming the High Court, held that Section 352 was not a power of compulsory acquisition at all, it merely empowered the Municipal Commissioner to identify land for opening of streets, parks, etc. and that compulsory acquisition could only be effected by applying to the State Government under Section 537 of the said Act. Since Section 352 prescribed absolutely no procedure before depriving a person of his property, i.e. no notice, no hearing, no reasoned decision, no determination of compensation, the Supreme Court held the purported acquisition to be constitutionally weak and in violation of Article 300-A. It was in this context of a complete legislative and procedural vacuum that the Court elaborated upon the seven sub-rights constituting the minimum constitutional content of a valid acquisition law.

6.16.1. The said judgment is also clearly distinguishable on facts and law and provides no support to the petitioners. In **Kolkata Municipal Corporation (supra)**, the acquisition was attempted under a provision that: (a) was held by the Supreme Court not to be a power of compulsory acquisition at all; (b) prescribed absolutely no procedure of any kind before deprivation of property; and (c) provided no mechanism for notice, hearing, reasoned decision or fair compensation. The Supreme Court intervened because there was a complete constitutional and statutory vacuum, no valid law authorising compulsory acquisition had been followed. In the present case, the position is entirely different. The acquisition has been carried out under the Act, 2013, which is a comprehensive Parliamentary enactment that not only confers the express power of compulsory acquisition but, as the Supreme Court itself noted in **Kolkata Municipal Corporation** (supra) at paragraphs 30.1 to 30.7, specifically and expressly incorporates each of the seven sub-

rights identified therein. Section 11 of the Act, 2013 provides for the right to notice; Section 15 provides for the right to be heard; Section 19 provides for a reasoned declaration; Sections 2(1) and 11(1) ensure acquisition only for a public purpose; Section 23 ensures fair compensation; the timeline provisions of Sections 4(2), 14, 15(1), 16(1), 19(2) and 25 ensure an efficient process; and Sections 37 and 38 govern conclusion through taking of possession. All seven sub-rights are thus not only present in the Act, 2013 but have been fully complied with in the present acquisition, as this Court has found on facts. Far from assisting the petitioners, the framework laid down in **Kolkata Municipal Corporation** (supra) itself vindicates the constitutional validity of an acquisition conducted under the Act, 2013 in the manner it has been done in the present case. The judgment is accordingly inapplicable to the facts before this Court and affords no ground for interference.

XVIII. Abadi Survey:

6.17. The petitioners' contention that abadi land was proposed for acquisition without any spot inspection is factually incorrect. The competent authority conducted surveys under the Act, 2013 and the Rules, 2016 in all three villages - Neemka Shahjahanpur, Khwajpur and Thora - wherein existing structures, abadi, buildings, wells, tube wells, trees and other assets were identified, verified and recorded in the statutory survey documents in Form-11 under the Rules, 2016, as is evident from the survey records placed on record as Annexure CA-22 to YEIDA's Counter Affidavit. The allegations are unsupported by any material on record and are rejected.

XIX. Awards Passed – Compensation Determined:

6.18. This Court takes note that awards providing total compensation of approximately Rs. 4,772/- to Rs. 4,778/- per square metre – computed by

applying market value of Rs. 1,550/- under Section 26(2) of the Act, 2013, additional compensation of Rs. 1,200/- under the Government Order dated 10.03.2025, 100% solatium under Section 30(1), and 12% per annum additional amount under Section 30(3) of the Act, 2013 from the date of the Section 4 Notification – have been passed for the three villages during the pendency of these proceedings. Disbursement has commenced. The compensation so determined is, in the view of this Court, fair and in conformity with the scheme of the Act, 2013. It is however made expressly clear that if any petitioner or affected landowner is aggrieved by the determination or quantum of compensation, the Act, 2013 provides a specific and efficacious statutory remedy. Section 64 of the Act, 2013 provides as under:

> *"**64. Reference to Authority**.–(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:*
>
> *Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:*
>
> *Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.*
>
> *(2) The application shall state the grounds on which objection to the award is taken:*
>
> *Provided that every such application shall be made—*
>
> *(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;*
>
> *(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 21, or within six months from the date of the Collector's award, whichever period shall first expire:*
>
> *Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso."*

6.18.1. Any petitioner or affected landowner aggrieved by the determination of compensation is at liberty to avail the remedy of reference before the competent Reference Authority under Section 64 of the Act, 2013.

XX. Possession Of Abadi Land:

6.19. This Court takes note of the categorical statement made by the respondent-YEIDA in paragraph 31 of its Supplementary Counter Affidavit, reiterated in the Written Submissions filed by Shri Rahul Agarwal, learned Senior Counsel appearing on behalf of the respondent-YEIDA, which is extracted below:

> "31. …….. *The possession will be taken only after disbursement of compensation in accordance with law. In cases where abadi land is involved, the authorities shall first undertake measurement of the existing abadi area of the affected families. Thereafter, developed plots will be carved out for the displaced families in terms of the approved R&R Scheme. Upon completion of the said process, the R&R award will be passed under Section 31 of the 2013 Act, and the developed plots will be handed over to the displaced families. Only thereafter possession of the abadi land will be taken."*

6.19.1. The aforesaid statement, having been made on affidavit in the Supplementary Counter Affidavit and reiterated in the Written Submissions of the learned Senior Counsel, is binding on the respondent-YEIDA. This Court places the said statement on record and directs the respondent-YEIDA and the State respondents to strictly adhere to and comply with the same. It is made expressly clear that possession of the abadi land of the displaced families shall not be taken in any manner contrary to or in derogation of the aforesaid statement. Any deviation therefrom shall be treated as a wilful breach of the undertaking given to this Court, rendering the respondent-YEIDA liable to contempt proceedings.

XXI. Suppression Of Material Facts:

6.20. This Court cannot but record that the petitioners have consciously withheld material documents, including the final approved SIA Report, the approved R&R Scheme, the approvals granted under Sections 8 and 18 of the Act, 2013, and the awards passed in January-February 2026, all of which were available in the public domain, while selectively relying on fragments of the record. A litigant invoking the extraordinary

jurisdiction under Article 226 of the Constitution of India must approach this Court with clean hands and full disclosure of all material facts.

XXII. Additional Legal Principles which fall for consideration in the instant case:

6.21. This Court deems it appropriate to set out additional legal principles laid down by the Hon'ble Supreme Court which further fortify the conclusion that no interference is required in the instant acquisition proceedings put to challenge before this Court.

6.21.1. In **Ramniklal N. Bhutta and Another v. State of Maharashtra and Others,**[16] the Hon'ble Supreme Court considered a challenge to acquisition of land for a road project in Maharashtra and laid down the governing principles of judicial review in such matters. Hon'ble Supreme Court held that it is recognised on all hands that the infrastructure necessary for sustaining such a pace of progress is woefully lacking in our country. The means of transportation, power and communications are in dire need of substantial improvement, expansion and modernisation. These things very often call for acquisition of land and that too without any delay. It is, however, natural that in most of these cases, the persons whose lands are acquired are not happy with the same. They seek to challenge the acquisition in the courts. While the rights of such persons have to be scrupulously respected, an acquisition for the benefit of the public at large is not to be lightly quashed. Extraordinary reasons must exist for doing so. The court, while balancing the competing interests must also bear in mind that the public, which is the greater beneficiary, is a silent party in all such proceedings. The Hon'ble Court observed as under in paragraph 10:

> *"10. Before parting with this case, we think it necessary to make a few observations relevant to land acquisition proceedings. Our country is now launched upon an ambitious programme of all-round economic advancement to make our economy competitive in the world market. We are anxious to attract foreign direct investment to the maximum extent. We propose to compete with china economically. We wish to attain the pace of progress*

16 AIR 1997 SC 1236

achieved by some of the Asian countries, referred to as "Asian tigers", e.g., South Korea, Taiwan and Singapore. It is, however, recognised on all hands that the infrastructure necessary for sustaining such a pace of progress is woefully lacking in our country. The means of transportation, power and communications are in dire need of substantial improvement, expansion and modernisation. These things very often call for acquisition of land and that too without any delay. It is, however, natural that in most of these cases, the persons affected challenge the acquisition proceedings in courts. These challenge the acquisition proceedings in courts. These challenges are generally in shape of writ petitions filed on High Courts. Invariably, stay of acquisition is asked for and in some cases, orders by way of stay or injunction are also made. Whatever may have been the practices in the past, a time has come where the courts should keep the larger public interest in mind while exercising their power or grant in stay/injunction. The power under Article 226 is discretionary. It will be exercised only in furtherance of interests of justice and not merely on the making out of a legal point. And in the matter of land acquisition for public purposes, the interests of justice and the public purposes, the interests of justice and the public interest coalesce. They are very often one and the same. Even in civil suit, granting of injunction or other similar orders, more particularly of an interlocutory nature, is equally discretionary. The courts have to weigh the public interest vis-a-vis the private interest while exercising the power under Article 226 - indeed any of their discretionary powers. It may even be open to the High Court to direct, in case it finds finally that the acquisition was vitiated on account of non-compliance with some legal requirement that the persons interested shall also be entitled to a particular amount of damages to be awarded as a lumpsum or calculated at a certain percentage of compensation payable. There are many ways of affording appropriate relief and redressing a wrong; quashing the acquisition proceedings is not the only mode of redress. To wit, it is ultimately a matter of balancing the competing interests. Beyond this, it is neither possible nor advisable to say. We hope and trust that these considerations will be duly borne in mind by the courts while dealing with challenges to acquisition proceedings."

6.21.2. Applying the aforesaid principle to the present case, the acquisition is for the expansion of the Noida International Airport, which is a project of national importance serving the aviation requirements of the National Capital Region. No fraud, *malafides*, or non-application of mind has been established or credibly alleged. The ratio of **Ramniklal N. Bhutta** (supra) squarely applies to the instant case and as such no interference is warranted in the instant proceedings.

6.21.3. In Constitution Bench judgment of **Smt. Somawanti and Others v. State of Punjab and Others,**[17] the Hon'ble Supreme Court held as under:

> *"40. …….. If the purpose for which the acquisition is being made is not relatable to a public purpose, then a question may well arise whether, in making the declaration, there has been, on the part of the Government, a fraud on the power conferred upon it by the Act. In other words, the question would then arise whether that declaration was merely a colourable exercise of the power conferred by the Act, and, therefore, the declaration is open to challenge at the instance of the party aggrieved. To such a declaration the protection of Section 6(3) will not extend. For, the question whether a particular action was the result of a fraud or not is always justiciable, ……..."*

6.21.4. The ratio of this Constitution Bench judgment is clear. The Government's declaration of public purpose is final and not ordinarily justiciable; judicial review is confined to cases of fraud or colourable exercise. In the present case, the public purpose, i.e. expansion of an international airport, is beyond challenge. No fraud or colourable exercise has been alleged, let alone established. The protection of finality of the Government's satisfaction fully applies. The principle in **Somawanti** (supra) operates as a complete bar to judicial interference with the declared public purpose.

6.21.5. In **Daulat Singh Surana v. First Land Acquisition Collector and Others,**[18] it was held that the rationale of taking away private land by the State for a public purpose is that private interest must give way to public interest. The State in exercise of its power of eminent domain may interfere with the right of property of a person by acquiring the same, but the same must be for a public purpose and reasonable compensation therefor must be paid. However, once a public purpose is established and proper procedure under the applicable acquisition law has been followed, the private interest of the individual must yield to the larger interest of the public. The Hon'ble Supreme Court in this judgment,

17 AIR 1963 SC 151
18 (2007) 1 SCC 641

while affirming the acquisition of land for a public purpose, held as under:

> *"40. Public purpose will include a purpose in which the general interest of community as opposed to the interest of an individual is directly or indirectly involved. Individual interest must give way to public interest as far as public purpose in respect of acquisition of land is concerned."*

6.21.6. In the present case, the petitioners' own case is that they do not oppose the acquisition of their agricultural land. Even the challenge to displacement of abadi is a private interest that must, upon due compliance with the R&R framework under the Act, 2013, yield to the public interest of airport expansion. The R&R Scheme provides comprehensive entitlements and the awards have been passed. This principle directly supports dismissal of the present petitions.

6.21.7. In **Whirlpool Corporation v. Registrar of Trade Marks, Mumbai and Others,**[19] the Hon'ble Supreme Court laid down the following principle (paragraph 15):

> *'15. Under Article 226 of the Constitution, the High Court, having regard to the facts of the case, has a discretion to entertain or not to entertain a writ petition. But the High Court has imposed upon itself certain restrictions one of which is that if an effective and efficacious remedy is available, the High Court would not normally exercise its jurisdiction. But the alternative remedy has been consistently held by this Court not to operate as a bar in at least three contingencies, namely, where the writ petition has been filed for the enforcement of any of the Fundamental Rights or where there has been a violation of the principle of natural justice or where the order or proceedings are wholly without jurisdiction or the vires of an Act is challenged……."*

6.21.8. In the present case, none of the three exceptional contingencies enumerated by the Supreme Court are present. The Act, 2013 provides a complete statutory mechanism for all compensation disputes through Section 64 (Reference to the Authority) and Section 74 (Appeal to High Court) thereafter. To the extent the petitioners' grievances relate to adequacy of compensation or rate of market value, the efficacious statutory remedy under Section 64 is available and may be availed. The

19 (1998) 8 SCC 1

writ jurisdiction of this Court is not the appropriate forum for such redressal qua inadequacy of compensation or rate of market value.

6.21.9. This Court, in **Veena Singh vs. Union of India and 3 Others**[20], examined the issue of balancing public interest with private rights in matters of land acquisition, particularly in the context of infrastructure development such as national highways. The Court held that while individual property rights are to be respected and adequately compensated, they cannot be allowed to obstruct or delay projects of national importance. It was observed that once a public project has substantially progressed or been completed, the appropriate relief is compensation rather than quashing the acquisition, as setting aside such proceedings would lead to practical difficulties and impede public development. This Court has held as under:

> ***"6.6. Public Interest vs. Private Interest***
>
> ***6.6.1.*** *Infrastructure development is critical for the economic growth and prosperity of the nation. National highways play a vital role in facilitating movement of goods and passengers, promoting trade and commerce, and integrating different regions of the country. Widening and upgradation of national highways have become imperative in view of the exponential growth in vehicular traffic over the past decades.*
>
> ***6.6.2.*** *It is well-established that whenever there is a conflict between public interest and private interest, the former must prevail. While the law provides for payment of fair and adequate compensation to persons whose land is acquired for public purposes, individual hardship cannot be permitted to defeat or delay projects of national importance. The constitutional courts, while exercising jurisdiction under Article 226, must keep the larger public interest in mind and must weigh public interest vis-a-vis private interest while exercising their discretionary powers.*
>
> ***6.6.3.*** *The Supreme Court, in* ***Competent Authority vs. Barangore Jute Factory and others***[21]*, examined the delicate balance between public interest and private rights in the context of land acquisition for a national highway. While holding that the acquisition notification was legally defective for want of proper statutory compliance and that possession had been taken contrary to law, the Court declined to quash the notification. It noted that the acquisition was for a project of great national importance and that the highway construction had already been completed. Quashing the notification at that stage would have caused serious practical difficulties and led only to a fresh acquisition process, escalating compensation due to rising land prices. The Court emphasized that private property rights cannot be ignored, but where public interest has crystallized into an irreversible public project, the appropriate remedy lies in just and fair compensation rather than undoing what has already been done. In this context, Hon'ble Supreme Court observed in paragraph 14 as under:*

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20 2026 (1) AWC 725

21 (2005) 13 SCC 477

"14. Having held that the impugned notification regarding acquisition of land is invalid because it fails to meet the statutory requirements and also having found that taking possession of the land of the writ petitioners in the present case in pursuance of the said notification was not in accordance with law, the question arises as to what relief can be granted to the petitioners. ***The High Court rightly observed that the acquisition of land in the present case was for a project of great national importance, i.e. the construction of a national highway.*** *The construction of a national highway on the acquired land has already been completed as informed to us during the course of hearing. No useful purpose will be served by quashing the impugned notification at this stage.* ***We cannot be unmindful of the legal position that the acquiring authority can always issue a fresh notification for acquisition of the land*** *in the event of the impugned notification being quashed. The consequence of this will only be that keeping in view the rising trend in prices of land, the amount of compensation payable to the land owners may be more. Therefore, the ultimate question will be about the quantum of compensation payable to the land owners. Quashing of the notification at this stage will give rise to several difficulties and practical problems. Balancing the rights of the petitioners as against the problems involved in quashing the impugned notification, we are of the view that a better course will be to compensate the land owners, that is, writ petitioners appropriately for what they have been deprived of. Interests of justice persuade us to adopt this course of action."*

(Emphasis supplied)

6.6.4. *This principle has been consistently followed by the Hon'ble Supreme Court in several cases. The Supreme Court, in* ***Ramniklal N. Bhutta and another vs. State of Maharashtra and others,***[22] *emphasized that while individual property rights are important, they cannot override genuine public purposes underlying land acquisition. The case arose from acquisition of land for establishing a bus station for the Bombay Electric Supply and Transport Undertaking (BEST). The appellant challenged the acquisition on grounds of alleged mala fides, selective exclusion of adjoining land, and procedural irregularities. The Court noted that the acquisition proceedings had commenced as early as 1979 and were repeatedly delayed due to litigation. It found no material to substantiate allegations of mala fides or absence of public purpose and held that mere adjustments or settlements during acquisition do not negate the underlying public need. The Court underscored that infrastructure projects are vital for economic development and cannot be lightly stalled at the instance of individual landowners, particularly after prolonged delay. Importantly, it held that discretionary jurisdiction under Article 226 must be exercised keeping the larger public interest in mind, especially in matters of land acquisition. In this context, the Court observed:*

"The courts have to weigh the public interest vis-a-vis the private interest while exercising the power under Article 226… In the matter of land acquisition for public purposes, ***the interests of justice and the public interest coalesce; they are very often one and the same.****"*

(Emphasis supplied)

6.6.5. *The Supreme Court in* ***Pratibha Nema and others vs. State of M.P. and others,***[23] *examined the delicate balance between private landowners' rights and the larger public interest in the context of land acquisition for establishment of a "Diamond Park." While the acquisition incidentally benefited private companies engaged in diamond cutting and polishing, the Court held that such benefit does*

22 AIR 1997 SC 1236
23 AIR 2003 SC 3140

not, by itself, negate the existence of a public purpose. Emphasis was laid on the broader objectives of industrial development, employment generation, earning of foreign exchange, and planned economic growth of the State. The Hon'ble Supreme Court reiterated that the concept of "public purpose" is elastic and must be understood in a pragmatic manner, keeping in view contemporary socio-economic needs. It was further held that the Government's satisfaction regarding public purpose is entitled to due weight and judicial interference is warranted only where the acquisition is shown to be a colourable exercise of power to serve a purely private interest. The Court observed that "the phrase 'public purpose'… must include a purpose in which the general interest of the community, as opposed to the particular interest of individuals, is directly and vitally concerned." Thus, where acquisition subserves a larger public goal, the incidental benefit to private entities cannot invalidate it."

G. CONCLUSION

7. In the light of the foregoing analysis, the legal framework, the principles of law laid down in the judgments discussed above, and the material available on record, this Court holds as follows:-

(i) The acquisition process in respect of the impugned notifications dated 11.04.2025 (under Section 11) and 24.10.2025 (under Section 19) of the Act, 2013 has been conducted in full and meticulous compliance with each stage prescribed under the Act, 2013 and the Rules, 2016, as demonstrated by the Compliance Chart placed on record by the respondent-YEIDA, which has not been effectively controverted.

(ii) The mandatory consent of 70% of the project-affected families, as required under Section 2(2)(b)(ii) of the Act, 2013, has been duly obtained as 73.02% of the total project-affected families across the fourteen villages had consented as on 01.03.2025.

(iii) The SIA process was duly conducted in accordance with Sections 4 to 8 of the Act, 2013 and the Rules, 2016. The Expert Group's suggestion for exploring the possibility of minimising displacement was acted upon through PwC, which confirmed the technical unavoidability of relocation.

(iv) Objections under Section 15 of the Act, 2013 were duly heard and disposed of by reasoned order dated 11.07.2025, and the

decision of the State Government thereon is final under Section 15(3) of the Act, 2013.

(v) Proceedings under Sections 15 and 16 of the Act, 2013 are designed to operate concurrently and the parallel conduct of these proceedings raises no illegality.

(vi) The R&R Scheme was duly approved under Section 18 of the Act, 2013 on 21.07.2025, prior to issuance of the Section 19 Declaration.

(vii) Awards providing fair and just compensation have been passed and disbursement has commenced. Any grievance regarding compensation may be addressed in Reference before the Authority under Section 64 of the Act, 2013.

(viii) The challenge to the Section 19 Declaration on the ground of alleged expansion is based on a misreading of Schedule-B, which identifies land for R&R of displaced families under the mandate of Section 19(2) of the Act, 2013, through a separate acquisition process, and does not expand the area of acquisition for the public purpose project under Section 19(1).

(ix) The challenge under the U.P. Industrial Area Development Act, 1976 is without merit and is rejected.

(x) The requirement of Section 10 of the Act, 2013 stands satisfied, as the total acquired area does not exceed the notified limit of 5% of the net sown area of District Gautam Buddha Nagar.

(xi) The constitutional challenge under Article 300-A of the Constitution of India fails. The right to property under Article 300-A is not an absolute right and is subject to the State's power of eminent domain exercised through a valid law followed in letter and spirit. Since the acquisition has been carried out in full compliance with the Act, 2013, which is itself Parliament's comprehensive legislative response to the constitutional mandate

under Article 300-A, no deprivation of property otherwise than by authority of law is made out.

(xii) The two Supreme Court judgments relied upon by the petitioners, namely **D.B. Basnett** (supra) and **Kolkata Municipal Corporation** (supra), are clearly distinguishable on facts and inapplicable to the present case.

H. FINAL ORDERS

8. In view of the foregoing discussion and for the reasons stated hereinabove, this Court finds no merit in the challenge raised by the petitioners to the impugned notifications dated 11.04.2025 and 24.10.2025. This Court declines to interfere in the acquisition proceedings, which have been conducted in conformity with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the Rules, 2016 framed thereunder.

8.1. **All the three writ petitions**, being Writ-C No. 41339 of 2025, Writ-C No. 41467 of 2025 and Writ-C No. 46238 of 2025, are hereby **disposed of** with the following directions:

(a) The respondent-YEIDA and the State respondents shall strictly comply with the statement made on affidavit in paragraph 31 of YEIDA's Supplementary Counter Affidavit placed on record before us and reiterated in the Written Submissions of Shri Rahul Agarwal, learned Senior Counsel, to the effect that possession of the abadi land of displaced families shall not be taken until: (i) full development of the rehabilitation site; (ii) measurement of the existing abadi area of each affected family; (iii) carving out of developed plots in accordance with the approved R&R Scheme; and (iv) passing of the R&R Award under Section 31 of the Act, 2013 and actual handing over of the developed plots to the displaced families. Any deviation from the aforesaid statement

shall be treated as a wilful breach of the undertaking given to this Court.

(b) The petitioners and all other affected landowners, if aggrieved by the determination or quantum of compensation awarded under the Act, 2013, are at liberty to approach the competent Reference Authority under Section 64 of the Act, 2013 and all such disputes shall be adjudicated strictly only in accordance with law.

(c) The disbursement of compensation, implementation of the R&R Scheme, and all consequential acquisition activities shall proceed strictly in accordance with the provisions of the Act, 2013 and the Rules, 2016.

8.2. There shall be no order as to costs.

(Kunal Ravi Singh,J.) (Mahesh Chandra Tripathi,J.)

April 28, 2026
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