

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.4811 of 2009

Date of decision:1.10.2015

Bachan Singh and others

....Petitioners

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Mr. H.S. Grewal, Advocate
for the petitioners.

Mr. Manoj Bajaj, Additional A.G. Punjab
for respondents No.1 and 3.

Mr. Rupinder S. Khosla, Senior Advocate with
Mr. Aman Sharma, Advocate
for respondent No.2.

Mr. Sanjeev Sharma, Senior Advocate with
Mr. Shekhar Verma, Advocate and
Mr. Aashish Chopra, Advocate
for respondent No.6.

HEMANT GUPTA, J.(Oral)

The challenge in the present writ petition is to the notifications dated 20.12.2008 and 27.02.2009 published under Section 4 and 6 of the Land Acquisition Act, 1894 (for short 'the Act'). Vide the aforesaid notifications, the land in question was being acquired for a public purpose namely for construction of 100 feet wide road joining Sector 79/80, 85/86 junction with Landran-Banur Road.

The challenge to the acquisition is, inter alia, on the ground that the Land Use Plan dated 08.06.2005 (Annexure P-3) and rough site plan (Annexure P-4) shows that the dividing road has been given a curve while the road joins Sector 79/80, 85/86 junction without consulting the people concerned. It is argued that except the road in question all other roads are in straight line and thus curve has been given to give unnecessary advantage to respondent No.6. It was also contended that the notification dated 20.12.2008 under Section 4 of the Act does not include the land of the petitioners.

In respect of the non-inclusion of the land of the petitioners in notification under Section 4 of the Act, it has been clarified there was a mistake in the original notification published under Section 4 of the Act. It was amended vide notification dated 10.01.2009 as the name of the village wrongly given as Raipur Kalan, though the Khasra numbers were of village Dhol. It is also submitted that the petitioners have filed their objections on 19.01.2009 i.e. after the publication of the amended notification specifying the land of the petitioners.

In view of the said fact, we find that the mistake in the original notification under Section 4 of the Act dated 20.12.2008 is inconsequential, the same having been amended prior to filing of the objections by the petitioners.

In respect of the other argument, we do not find any merit again. The planning of the road is for the experts to decide. Whether the road should be straight or should have a curve depends upon numerous factors which experts alone are competent to decide. It is pointed out that the land as carved out is part of the Master Plan duly notified on

19.11.2008 as well. Thus, we do not find any merit in the argument that curve has been given in the road for giving some advantage to respondent No.6.

In view of the said fact, we do not find any merit in the present writ petition.

Dismissed.

(HEMANT GUPTA)
JUDGE

OCTOBER 1, 2015
'D. Gulati'

(RAJ RAHUL GARG)
JUDGE