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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.10913 of 2014
Date of Decision: 11.02.2015.

Tarsem Singh **.....Petitioners**

Vs.

State of Punjab & others **.....Respondents**

CORAM: ***HON'BLE MR. JUSTICE SURYA KANT***
HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. S.P. Soi, Advocate
for the petitioner.

Mr. Vinod S. Bhardwaj, Advocate
for respondens No.1 & 2.

Mr. G.S. Nagra, Advocate
for respondent No.3.

Mr. Amit Dhawan, Advocate
for respondent No.4.

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1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

SURYA KANT, J. (ORAL)

The controversy pertains to the provision of a path (access) to the agricultural land(s) of the petitioner and respondent No.3, respectively.

[2]. Vide the impugned order dated 16.04.2014 (Annexure P-4) the Consolidation Authorities have sanctioned the path in favour of respondent No.3 on the basis of a resolution passed by the Gram

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Panchayat whereby it agreed to provide the passage to respondent No.3 out of Khasra No.1782 (ref: site plan Annexure P-3) which abutts Khasra No.1783 owned by respondent No.3. In this manner respondent No.3 gets access to his land.

[3]. As regard to the petitioner, admittedly, he owns Khasra Nos.1787, 1788, 1789 and 1790 (see site plan Annexure P-3).

[4]. It is an admitted fact that like Khasra No.1782, Khasra Nos.1792 and 1793 are also owned by the Gram Panchayat. There is already a sanctioned path upto the last corner of Khasra No.1793 (see site plan Annexure P-3).

[5]. In the light of the admitted facts and on being persuaded by us to resolve their pending dispute, learned counsel for the parties have agreed to the following arrangement:-

(i) The Gram Panchayat shall provide a separate passage (path) to the petitioner out of Khasra No.1793.

(ii) Respondent No.3 shall further provide passage to the petitioner out of Khasra No.1791 (onwed by respondent No.3).

(iii) In this manner, the proposed passage thus will reach upto Khasra No.1789 which is owned by the petitioner.

(iv) The Gram Panchayat as well as respondent No.3 shall provide passage out of their respective

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Khasra Nos.1793 and 1791 subject to the further condition that the petitioner shall compensate the Gram Panchayat and respondent No.3 either by giving equal land or its market value as may be determined by the Collector, Kapurthala.

[6]. The needful shall be done within a period of two months on receipt of certified copy of this order.

[7]. The petition (Annexure P-6) which is still pending before the Consolidation Authorities, is thus, deemed to have been disposed as infructuous. Let a formal order to this effect be passed.

[8]. If the petitioner is still left with any claim a separate passage to his another Khasra No.1781, let him file a fresh petition in that regard for the redressal of his grievances in accordance with law.

[9]. If such a petition is filed by him the same shall be decided at the earliest in accordance with law.

[10]. Ordered accordingly.

(SURYA KANT)
JUDGE

February 11, 2015
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(RAJ MOHAN SINGH)
JUDGE

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