

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

206

CWP-10955-2014

Date of decision:-19.10.2015.

MEGH RAJ JINDAL

...Petitioner

VS

UNION OF INDIA & ORS

...Respondents

**CORAM:- HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MRS. JUSTICE RAJ RAHUL GARG**

Present: Mr. Ajaiveer Singh, Advocate
for the petitioner.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Sunil K. Sahore, Advocate
for respondent No.2.

HEMANT GUPTA, J. (Oral)

The challenge in the present writ petition is to the acquisition of 5 acres of land for the purpose of National Highway vide notification dated 09.07.2013 under Section 3-A of the National Highway Act, 1956 followed by a notification dated 05.02.2014 under Section 3-D of the National Highway Act, 1956 (for short 'the Act'). The assertion of the petitioner is that he donated about 15 acres of land for running of a Degree College which is functioning since the year 1996-1997 and also donated 4 acres for running of Medical College and Hospital vide gift deed dated 21.01.2011. The petitioner pointed out that a college building has been constructed whereas

hospital building is under construction.

The petitioner filed objections to the notification under Section 3-A of the Act pointing out the use of land is for Medical College and the Degree College and that the laying of national highway will bifurcate the land owned by the petitioner. On such objections, the Land Acquisition Collector reported as under:-

“Objector has been heard and land has been inspected. Civil Hospital on the land is being constructed by the approval of the Haryana Govt. This land has already been donated to the Health Department of which mutation No.2827 dated 7.4.2011 regarding 32K-16M has already been sanctioned in the name of Health Department, Haryana Govt. On this land, already, Megh Raj State Women College has already been constructed which is in functioning and on the opposite of College and Hospital land is vacant. Instead of this, vacant land be acquired which is in the public interest and the State will not suffer economic loss.”

Learned counsel for the petitioner has vehemently argued that alternative vacant land can be utilised for construction of National Highway as shown in the site plan (Annexure P-9). Such alternative land will shorten the distance and also avoid the constructions raised on the land donated by the petitioner and also the bifurcation of the land of the petitioner.

In reply, the stand of the respondents is that no part of the acquired land in use by the Degree College or the Medical College but the vacant land is being utilised for the purpose of

National Highway after taking into consideration technical and financial aspects that its maximum utilisation of existing rights of way; available two lane carriageway; minimum acquisition of green fields and to avoid demolishing of existing structures by making the present alignment eccentric. Such layout was finalised considering the land and constructing cost and also that existing two lane road which is to be used for one side traffic and a new two lane carriageway is to be constructed on the other side of existing road i.e. opposite side of the land of the petitioner after making median to make it four lane so that traffic can move during construction and that the expenditure incurred on the road does not go waste.

We have heard learned counsel for the parties and finds no merit in the present writ petition. In the objections filed, the petitioner has not suggested the availability of the alternative land. No part of the existing building of the petitioner or the land donated by the petitioner for the purposes of Degree College and the Medical College is part of the acquisition. It is the vacant agricultural land which falls within the road alignment. The by-pass proposed to be constructed is to meet the National Highway-65. The existing infrastructure is of two lane carriageway which has to be widened to make it four line carriageway. It is for the experts to consider the road alignment which as per the averment made in the written statement has been finalised by keeping in view existing right of way available two line carriageway and the minimum acquisition of the green fields.

Since we find that the parameters considered by

respondents are relevant to determine the road alignment, we do not find that the petitioner has made out any cause for setting aside of the acquisition vide notifications in question.

We do not find any merit in the present petition. It is thus dismissed.

**(HEMANT GUPTA)
JUDGE**

**(RAJ RAHUL GARG)
JUDGE**

October 19, 2015
SwarnjitS