

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11994 of 2015

Date of Decision: 29.5.2015

Jai Raj Singh and another

....Petitioners.

Versus

Union of India and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. M.L. Sharma, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of Mandamus directing the respondents to provide passage to them towards the unacquired land as shown in the site plan prepared on the basis of Aks-Shijra over which the fly over has been constructed by acquiring the land of the petitioners abutting on the National Highway leading from Amritsar to Bathinda as the access of the petitioners towards the unacquired land has been taken away and no access for the egress and ingress has been left towards the land to the extent of their share situated in village Manawala Kalan, Tehsil and District Amritsar; further, the respondents be directed not to stop the egress and ingress from the National Highway and the petitioners be provided passage towards their land since there is no passage to the land from all sides.

2. The petitioners are owners of the land to the extent of their

share situated within the revenue estate of village Manawala Kalan, Tehsil and District Amritsar. The respondents vide notification dated 5.7.2013 issued under Section 3A(1) of the National Highways Act, 1956 (in short "the Act") followed by declaration dated 4.2.2014 (Annexure P-3 Colly) under Section 3-A of the Act acquired the land of three villages, Tehsil and District Amritsar. The petitioners filed objections along with an application dated 15.7.2013 (Annexure P-4). The award was announced on 10.10.2014. The petitioners delivered possession after receiving the amount of compensation. The respondents have constructed the fly-over over the land in question and after its construction, the passage to the land of the petitioners was blocked and they have not been allowed to enter their land which was left from acquisition. The petitioners moved application dated 2.10.2014 (Annexure P-5) to respondent No.2 for providing service lane/access to the land left after acquisition for Amritsar-Bathinda Highway. They also approached the Deputy Commissioner, Bathinda vide representations dated 19.5.2015 (Annexure P-6 Colly) for providing passage, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have moved representations dated 19.5.2015 (Annexure P-6 Colly) to the Deputy Commissioner, Amritsar, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the representations dated 19.5.2015 (Annexure P-6 Colly), in accordance with law by passing a speaking

order and after affording an opportunity of hearing to the petitioners within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 29, 2015
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(REKHA MITTAL)
JUDGE