

CWP No.18754 of 2015

KUMAR MANOJ
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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CWP No.18754 of 2015

Date of Order: 17.12.2015

ATS Infrastructure Ltd

....Petitioner

Versus

State of Punjab and Another

....Respondents

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

Present: Mr. S.C. Nagpal, Advocate for the petitioner.

Mr. Manoj Bajaj, Addl.A.G, Punjab.

Mr. G.S. Attariwala, Advocate for respondent No.2.

HEMANT GUPTA, J (ORAL)

The petitioner has sought a direction to the respondents to comply with the process of acquisition of the land of the petitioner used for widening the Haibatpur Road in Dera Bassi.

Learned counsel relies upon the order dated 19.8.2015 in writ petition bearing CWP No.1271 of 2011 titled M/s Mohindra Cranks Private Limited Vs. State of Punjab and another, wherein a Division Bench of this Court has passed the following directions:

“20. We, thus, dispose of this writ petition with a direction to the State Government to re-visit the whole issue and evolve more than one modes of compensation including the revised FAR. The nature of compensation, having regard to the facts and circumstances of each case can vary. The mode of compensation must effectively address the need of affected land-owners. Such a comprehensive policy decision would further set

an example for the State to carry out such like development activities in other parts of the State as well.

21. There has been enough delay in resolving the issue.

We, therefore, direct the State Government that the needful be done within a period of four months from the date of receiving a certified copy of this order. If the petitioner or other affected land-owners are dissatisfied with the manner or quantum of compensation, as may be offered to them, they may accept the same without prejudice to their legal rights.”

State has not filed any reply to the present petition whereas a short reply by way of affidavit dated 14.12.2015 of Executive Officer, Municipal Council, Dera Bassi on behalf of respondent No.2 has been filed. It is pointed out in the affidavit that the writ petition has become infructuous in view of the directions issued in the case of M/s Mohindra Cranks Private Limited's case (supra) as liberty has been granted to the petitioner and other affected land owners, which may include the present petitioner to avail their legal rights. The benefit of such order is not confined to the petitioner in the said case but to the other affected land owners.

In view of the aforesaid order passed by the Division Bench of this Court in M/s Mohindra Cranks Private Limited's case (supra), present writ petition is disposed of, in the same terms as in the case of M/s Mohindra Cranks Private Limited (supra).

(HEMANT GUPTA)
JUDGE

DECEMBER 17, 2015
manoj

(RAJ RAHUL GARG)
JUDGE