

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

CWP No.19191 of 2015

Date of decision:11.9.2015

**Shree Dadla Mainya Ji Samiti (Regd) Rasaoi through its authorized
personPetitioner**

VERSUS

Union of India and othersRespondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Mr. Sandeep Jain, Advocate for the petitioner.

HEMANT GUPTA, J.(Oral)

The challenge in the present writ petition is to the notification dated 12.08.2009 under Section 3-A of the National Highways Act, 1956 (for short 'the Act') whereby 2 kanal 14 marlas of land was intended to be acquired out of total land measuring 3 kanal 11 marlas land owned by the petitioner.

The said land was purchased by the petitioner in the year 1996. The petitioner asserts that apart from place of worship with the sitting capacity of more than 250 persons, a big hall, 7 air conditional rooms with attached bathroom have been constructed on the site in question.

The land of the petitioner upon which temple has been constructed is intended to be acquired vide notification dated 12.08.2009 published under Section 3-A of the Act followed by notification under Section 3-D of the Act on 14.05.2010. The petitioner pointed out that

notification has been issued for construction of Eastern Peripheral

Expressway to decongest the traffic of Delhi. The petitioner referred to the proceedings of the Committee constituted to decide the take off point on the National Highway. The petitioner prays that if the alignment of Eastern Peripheral Expressway cannot be changed, then the respondents are legally obliged to rehabilitate the petitioner in the same position as it was on the date of acquisition.

Learned counsel for the petitioner refers to the lay-out plan (Annexure P-8) to contend that the main temple area is falling within the acquisition cannot be relocated in the remaining land owned by the petitioners as the other portion is already constructed for the stay of the visitors.

We have heard learned counsel for the petitioner and find no merit in the present writ petition. May be the petitioner is required to relocate the temple but the construction of National Highway is much more important than a temple. The petitioner has alternative land available for relocating temple. Only part of the land owned by the petitioner is subject matter of acquisition. Therefore, the petitioner can very well relocate the temple on the other land owned by the petitioner. The personal interest of the petitioner has to give way to the larger public interest of construction of National Highway.

Consequently, we do not find any merit in the present writ petition.

Dismissed.

(HEMANT GUPTA)
JUDGE

SEPTEMBER 11, 2015
‘D. Gulati’

(RAJ RAHUL GARG)
JUDGE