

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.2065 of 2014

Date of Decision: September 24, 2015

M/s Dilbag Singh and Sons

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.J.S.Lalli, Advocate, for the petitioner.

Mr.Rajesh Bhardwaj, Additional AG, Punjab.

Mr.HPS Ghuman, Advocate, for respondent No.5.

Ms.Charu Sharma, Advocate, for respondent No.6.

Mr.G.S.Attariwala, Advocate, for respondent No.7.

-.-

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 petitioner is a proprietorship firm who runs a retail outlet (petrol pump) under the dealership of Bharat Petroleum Corporation Limited, which is located on Ludhina-Ferozepur road. The petrol pump site was taken by the petitioner on lease-hold basis from PWD (B&R) Department, State of Punjab.

[2] Owing to the congestion and overflow of traffic on the aforesaid highway, the authorities have decided to widen the same and as per the original plan re: widening of the said road, the petitioner-petrol pump falls in the middle of the purposed widened road. The petitioner was thus served with the impugned notice for demolition of its retail outlet.

[3] The aggrieved petitioner has approached this Court.

[4] When this writ petition came up for preliminary hearing on 04.02.2014, this Court observed that 'keeping the location of the petitioner-petrol pump in view, it has to be shifted in larger public interest so that the road could be widened as per the proposal'. The respondents were further called upon to consider the second prayer made by the petitioner, namely, allotment of an alternative site.

[5] The matter has been heard from time to time. It is informed by learned counsel for the respondent-Corporation that the project of widening the highway has now been entrusted to the National Highway Authority of India. Learned counsel for petitioner relies upon the decision said to have been taken by the National Highway Authority of India to construct an elevated road for which, it is stated that additional land would not be required.

[6] Since National Highway Authority of India is not a party-respondent and their view-point is not known, we refrain from expressing any opinion on the design or model they have decided to adopt for construction of the above-stated highway. We also do not deem it necessary to keep this matter pending, hence, dispose of the same in the following terms:-

- (i) the petitioner may be allowed to operate at the subject site till the land is not required for widening the road;
- (ii) if the National Highway Authority of India decides to construct an elevated road and if the road is to be constructed in such a manner that it does not disturb the

petitioner's retail outlet, it is obvious that no further action would be called for;

- (iii) however, if the petitioner is required to be uprooted from the subject site, the Government Agencies, namely, (i) the Punjab Urban Development Authority/Greater Ludhiana Area Development Authority; (ii) Municipal Corporation, Ludhiana; (iii) Improvement Trust, Ludhiana; (iv) PWD (B&R) Department and/or any other State Agency may sympathetically consider the petitioner's request for allotment of an alternative site in accordance with their Policy and on such terms and conditions as may be decided by the Allotting-Authority.

[7] Ordered accordingly.

[8] Dasti.

[SURYA KANT]
JUDGE

September 24, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE