

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

CWP No.5852 of 2014

Date of Decision: 20.05.2015

Tulsi

....Petitioner

Vs.

Commissioner, Hisar Division, Hisar and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MR. JUSTICE AMOL RATTAN SINGH.**

Present: Ms. Sharmila Sharma, Advocate
for the petitioner.

Mrs. Tanisha Peshawaria, DAG, Haryana

Mr. Mani Ram Verma, Advocate
for respondents No.2 and 4.

Mr. Vivek Khatri, Advocate
for respondent No.3.

Rajive Bhalla, J (Oral)

The petitioner prays for issuance of a writ in the nature of certiorari, quashing order dated 11.01.2014, whereby Raghbir Singh, respondent No.4, has been provided a passage through Khasra No.2 and 9/1 of Rectangle No.34.

Counsel for the petitioner submits that the passage allotted to respondent No.4, bifurcates the petitioner's land. The petitioner is, therefore, ready to provide the passage originally demarcated by the Commissioner, Hisar Division, Hisar in his order dated 27.10.2010.

Counsel for the respondents submit that respondents No.2 and 3, had challenged order dated 27.10.2010 by filing CWP No.4820 of 2011. The writ petition was allowed on a consensus between counsel for the parties and it was ordered that the shortest and most appropriate path be provided to respondent No.4. The Commissioner has re-examined the matter and provided the shortest possible path.

We have heard counsel for the parties, perused the impugned order and find no reason to interfere or to accept the offer made by the petitioner. The original passage allotted, to respondent No.4, vide order dated 27.10.2010 was a circuitous path. The order was set aside on consent of counsel for the parties and the Commissioner was directed to consider the shortest possible path. A perusal of the impugned order reveals that the Commissioner has after examining the record and hearing the parties allotted the shortest possible and most convenient path. The path proposed by the petitioner, i.e. the original path, has five to six turns. This apart petitioner has been suitably compensated with alternative land.

Consequently, we find no reason to interfere with the impugned order and dismiss the writ petition.

(Rajive Bhalla)
Judge

May 20, 2015
vcgarg

(Amol Rattan Singh)
Judge