

CWP No. 5941 of 2015

KUMAR MANOJ
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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No. 5941 of 2015
Date of Decision:-04.05.2015

Naresh Kumar and Ors

.....Petitioners

Versus

State of Haryana and Others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. R.S. Malik, Advocate for the petitioners.
Mr. Sandeep S Mann, Sr. DAG, Punjab.

JASWANT SINGH, J.(ORAL)

C.M.No.5660 of 2015

Application is allowed.

Replication filed by the petitioners to the written statement along with documents as Annexures P/R-1 to P/R-3 is taken on record.

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The alleged permanent residents of Village Dhankot, Tehsil and District Gurgaon are aggrieved against the action of the State Authorities whereby they are contemplating widening of State Highway from Gurgaon via Chandu to Badli passing through their fields in the village, without initiating any acquisition proceedings or payment of compensation.

Upon notice, the official respondents have filed a reply.

It is stated that the said road was constructed prior to 1966 with the consent of the land owners, who had given the land to the PWD Department free of costs. In support of their plea, copy of the history

sheet of the Department has been annexed as Annexure R-2. It is further stated that the entire road in the area has been widened except a short stretch of 400 meters. It is further submitted that at present, the widening and strengthening of the road has been undertaken till the breadth where the trees of the Forest Department were/are existing without encroaching on private land of the petitioners.

In rebuttal, learned counsel for the petitioner has filed the replication denying the averments made by the State Authorities in the written statement. It is asserted that no record is available with the respondents to show that the land in dispute was donated and the road constructed in the year 1966. In support, temporary injunction order dated 10.04.2015 passed by the Civil Court in respect of similarly situated land owner has been annexed as Annexure R-2.

After hearing learned counsel for the parties and perusing the pleadings, it is evident that serious disputed questions of fact are involved, which cannot be decided in the present writ petition, therefore the present petitioners are relegated to seek their remedy before the Civil Court in accordance with law.

With this observation, petition stands disposed of.

(JASWANT SINGH)
JUDGE

May 04, 2015
manoj