

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 9978 of 2015

Date of Decision: 18.9.2015

Sanjay Sharma

....Petitioner

vs.

Union of India and others

.....respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: - Mr. J.S. Cooner, Advocate for the petitioner.

Mr. P.P.Chahar, DAG, Haryana

Mr. Arun Gosain, Advocate for respondent No. 1, 3, 4, 5 and 6.

Mr. Virender Kumar, Advocate for respondent No. 7.

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Rakesh Kumar Jain, J (oral)

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Written Statement on behalf of respondents No. 1, 3, 4, 5 and 6
filed in Court, is taken on record.

Petitioner has prayed for a writ in the nature of mandamus seeking direction to the official respondents to direct respondent No. 7 to remove/shift the Toll Plaza from its existing place near Saha at Toll Plaza 44, Saha to Shahbad Road, District Ambala as the said portion of the road ceases to be a State Highway and has been declared as National Highway No. 444A vide the Gazettee of India notification dated 9.4.2015 (annexure P-1) issued by Govt. of India, Ministry of Road Transport and Highways.

In the written statement filed on behalf of respondents No. 1, 3, 4, 5 and 6, it has been averred that the toll collection at TP No. 44 has been closed since 6.8.2015 (24.00 hrs) vide letter No. 4104 dated 22.7.2015 addressed to respondent No. 7 issued by respondent No. 6 (Annexure R-1) and denotified vide Haryana Government Notification No. 9/106/01-3B&R (W) dated 17.7.2015 (Annexure R-2).

In view of the stand taken by respondents in their reply, the directions sought in the present petition have become redundant.

Learned counsel for respondent No. 7 has submitted that he was the contractor on this Toll Plaza and his contract has been terminated by the Government prematurely. He has only prayed that the question in regard to claim of damages may be kept open so that he may pursue his remedy in accordance with law.

Hence, it is ordered that if the contract of respondent No. 7 has been prematurely terminated, he may, if so desires, initiate proceedings, for damages in accordance with law.

Disposed of as above.

(RAKESH KUMAR JAIN)

JUDGE

18.09.2015

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