

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.16352 of 2016.

Date of Decision: August 12, 2016

Rajinder Bansal and others

.....Petitioners

versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Nitin Jain, Advocate, for the petitioners

Mr.R.D.Sharma, Deputy Advocate General, Haryana.

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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)

Notice of motion to respondent Nos.1 to 3 only.

On our asking, Mr.R.D.Sharma, learned Deputy Advocate General, Haryana, accepts notice on their behalf.

Let three copies of the writ petition be supplied to learned State counsel during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

Since no order prejudicial to the interest of respondent No.4 is being passed, it is not necessary to call upon it nor any reply-affidavit from respondent Nos.1 to 3 is required at this stage.

The prayer in this writ petition is to direct the respondent-authorities to provide some passage to the petitioners' land shown in 'yellow' colour in the site-plan (P-7).

As per the averments made in the writ petition, land of the petitioners measuring 7 kanal 14 marla was acquired by the State of Haryana in the year 1977. That acquisition was challenged in this Court. Meanwhile, supplementary award was passed and another writ petition challenging that award was also filed. Both the writ petitions were taken together by the Permanent Lok Adalat and a consent award dated 06.09.2000 came to be passed in terms whereof, the authorities agreed to release the petitioners' land measuring 2 Kanal and 12 Marla. The site-plan (P-7) suggests that the released land is sandwiched and is surrounded by the land now owned by Indian Red Cross Society. It is alleged that there is no public passage to have access to the petitioners' land. It is in this backdrop that a direction has been sought in the instant writ petition to provide passage to the petitioners' land.

Since 4th respondent has not been called at this stage, it is not expedient or desirable for us to express any views on merits of the petitioners' claim. Suffice it would be to explore whether it is feasible to either provide a passage to the petitioners and/or exchange their land in such a manner that the Red Cross Society does not suffer any loss in terms of value and utility of its land and at the same time, land of the petitioners can be made accessible. We thus dispose of this writ petition with a direction to respondent Nos.1 to 3 to undertake the above-stated exercise by associating respondent No.4 and the petitioners and determine the petitioners' claim in accordance with law and preferably in agreed terms,

within a period of six months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

August 12, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No