

CWP-1745-2015

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1745-2015

Date of Decision: November 09, 2016

Shingara Singh and others

.....Petitioners

Versus

Union of India and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Naresh Kaushal, Advocate
for the petitioners.

Mr.P.S.Bajwa, Addl.AG, Punjab.

Mr.Deepak Sharma, Advocate
for respondent No.6.

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SURYA KANT, J.

The controversy pertains to construction of a 'Minimum 15 feet wide passage' for the petitioners to enable them to have access to their agricultural land. The petitioners are left with no passage after acquisition of a part of their land by the Railways. The Land Acquisition Collector in its Award has specifically directed the Railways to construct a new passage, width of which should be minimum 15 feet.

Learned counsel for the Railways states that the entire amount required for construction of such passage has been disbursed to the Gram Panchayat of the village for doing the needful.

Learned counsel for the Gram Panchayat, on the other hand,

though admits that the amount has been received from the Railways but submits that Gram Panchayat has no power to acquire the land for construction of passage as such a power can be exercised either by Railway Authorities under the Act or the State. He fairly states that the Gram Panchayat is willing to return the amount to the Railways to the extent it is needed for acquisition of the land.

Counsel for the petitioners further points out that one Kakka Singh of the village has no objection if his land is acquired for the purpose of construction of passage.

In view of the above stated stand taken by the parties, we direct the Railway Authorities to acquire the land for the passage as per the Award of the Collector, whether by negotiation with Kakka Singh or otherwise. The amount as may be needed to pay compensation/price for such land shall be reimbursed by the Gram Panchayat to Railway Authorities out of the amount already received by it from Railways.

The writ petition is accordingly disposed of with a direction to the Railways to acquire the land within four months and as soon as the land becomes available, the petitioners shall be at liberty to use the same as a passage.

(SURYA KANT)
JUDGE

November 09, 2016
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(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned ?
2. Whether reportable ?

Yes/No
Yes/No