

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.17891 of 2016.

Date of Decision: August 31, 2016

Rishavjeet Singh and anotherPetitioners

versus

State of Punjab and othersRespondents

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

Present: Mr.Parveen Kumar Garg, Advocate, for the petitioner.
Mr.Rajesh Bhardwaj, Additional AG, Punjab.

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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)

On the oral request made by learned counsel for the petitioners,
Superintending Engineer, PWD (B&R) Department at Sangrur is ordered to
be impleaded as respondent No.1-A.

Registry is directed to carry out necessary correction in the
memo of parties.

Notice of motion.

On our asking, Mr.Rajesh Bhardwaj, learned Additional
Advocate General, Punjab, accepts notice on behalf of the respondents.

Let five 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.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from the respondents at this stage.

The grievance of the petitioners is that their land fully described in para No.2 of the writ petition, situated within the revenue estate of village Shaffipur Kalan, Tehsil Sunam, District Sangrur, has been utilized for widening of Dirba-Baghroul road without making any acquisition or payment of compensation. They earlier approached this Court in CWP No.25761 of 2014 which was disposed of with a direction to the authorities to verify the petitioners' claim. Pursuant thereto, the Deputy Commissioner, Sangrur has passed an order dated 19.01.2016 (P-14) in which the factum of utilization of the petitioners' land for widening of the above-stated road has been candidly admitted. It is also acknowledged that the land was not acquired. The Deputy Commissioner has further observed that the case has been referred to the Superintending Engineer, PWD (B&R), Sangrur to take up the matter with the Land Acquisition Collector apparently for acquisition of the utilized land. The operative part of the order of the Deputy Commissioner, Sangrur, reads as follows:-

“.... The Land Acquisition Collector cum Sub Divisional Magistrate, Sunam Udham Singh Wala vide letter No.899 dated 04.01.2016 has sent a report to the undersigned stating that as per the report of Naib Tehsildar Dirba, spot inspection was done in the presence of Field Kanungo, Dirba and area patwari on 22.12.2015 and it was found that as per the notification of the government in khasra numbers 52//5/2, 5/1, 7, 8, 13, 12/2, 20, 53//25 area has been acquired but in khasra numbers 39//21, 19, 39//22/1, 22/2, 51//1, 57//1 and 102 no area was acquired while widening of the road. However, as per the spot inspection in khasra numbers 39//21 and 39//19 on the East side of road 7-1/2

feet width and in khasra numbers 51//1, 39//21, 39//22/2 and 102, on the west side of the road, 4 feet width of the land is in the road berms. Hence the total road width near the petitioner's land is 29 ½ feet out of which 18 feet is metalled road. Apart. Apart from this in the khasra numbers in which land has been acquired and notification done, as per the spot of inspection metalled road is 18 feet and on its both sides berms is of 7.5 feet each. Thus those the total width of the road is 33 feet.

The above mentioned report has been sent by the undersigned to Secretary PWD Government of Punjab vide no.52 dated 6/2016 for necessary action.

The Superintending Engineer of department of PWD (B&R) Sangrur is hereby directed to act upon the report No.899 dated 04.01.2016 of Land Acquisition Collector cum Sub Divisional Magistrate, Sunam Udham Singh Wala and report.....”

The petitioners allege that the Superintending Engineer, PWD (B&R), Sangrur has taken no further action thereby depriving them from the due amount of compensation.

In view of the above reproduced order passed by the Deputy Commissioner, Sangrur, we dispose of this writ petition with a direction to the Superintending Engineer, PWD (B&R), Sangrur, to take up the matter with the Competent Authority for acquisition of the petitioners' land to the extent it is utilized for widening of the road and let the acquisition process be concluded within a period of six months in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The petitioners shall be paid due amount of compensation alongwith interest within a period of two months thereafter.

The Principal Secretary, PWD (B&R) Department is directed to determine the responsibility of the officers who without carrying out demarcation at the site utilized the petitioners' land. The Competent Authority shall be at liberty to recover the interest amount from the officers who are found responsible for the lapse.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

August 31, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

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