

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19735-2016

Date of Decision: September 22, 2016

Gian Kaur and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

Present: Mr.Ravi Kamal Gupta, Advocate
for the petitioners.

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SURYA KANT, J.

On the oral request made by counsel for the petitioner, National Highway Authority of India, represented through its Project Director, is ordered to be impleaded as respondent No.5. Registry is directed to make the addition in the memo of parties.

Notice of motion.

On our asking, Mr.Rajesh Bhardwaj, DAG, Punjab, who is present in Court, accepts notice on behalf of respondent Nos.1 to 3 and Mr.Rishi Kaushal, Advocate, who is also present in Court accepts notice on behalf of respondent No.5-NHAI. It is not necessary to call respondent No.4 at this stage.

Petitioners' claim in this writ petition is that they are owners of the land, details of which are contained in the revenue entries in Jamabandi, Annexure P2, situated within revenue estate of village Rasoolpur, Tehsil

Nakodar, District Jalandhar. It is averred that possession of a part land of the petitioners has been taken by NHAI by invoking urgency clause for the purpose of construction of National Highway (New) on the stretch between Jalandhar-Barnala Section. It is further alleged that their land is being utilised for construction of National Highway without any formal acquisition, whereas the adjoining land has been acquired and compensation is said to have been paid to the affected owners.

As may be seen from the above-noticed facts, the issue raised by the petitioners is a question of fact, which is required to be determined by respondent Nos.3 to 5. Needless to say if land of the petitioners has been or is being utilized for construction of National Highway, it can only be done after its acquisition in accordance with law and on payment of compensation. We, thus, dispose of this writ petition without expressing any views on merits with a direction to the Project Director to NHAI to ascertain the correct facts and take the remedial action in accordance with law within a period of three months from the date of receipt of a certified copy of this order.

(SURYA KANT)
JUDGE

September 22, 2016
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(SUDIP AHLUWALIA)
JUDGE

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