

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.2284 of 2016
Date of Decision: February 04, 2016

Ashok Sharma

....Petitioner

versus

The Union of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Sumeet Jain, Advocate, for the petitioner.

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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)

The petitioner has laid challenge to the notifications dated 02.02.2015 (P-3) and 10.08.2015 (P-7) issued under the National Highways Act, 1956 for the acquisition of land for widening of Highways No.21 and 95 (old) (Ludhiana-Chandigarh Section).

Heard learned counsel for the petitioner.

The grievance of the petitioner in the instant writ petition is that land measuring 1 kanal 1 marla out of Khasra No.372 has been acquired which is recorded as a 'house' but a shop constructed thereupon was let-out to the petitioner's family more than 40 years back. It is claimed that the land comprising that shop alone has been acquired without acquiring the remaining khasra numbers or the adjoining shops including khasra Nos.371 and 373. It is further alleged that the shop-site has been acquired at the instance of the

land-lord who has been making constant efforts to evict the petitioner from the said shop. Aks-sajra is relied upon to contend that unless all the shops are acquired or demolished, no public purpose can be served by acquiring the petitioner's shop-site only.

The objections filed by the petitioner are said to have been rejected mechanically.

In our considered view, the acquisition of land under the National Highways Act, 1956 for widening of a Highway is of paramount public importance. This Court would be extremely reluctant to interfere with such acquisition unless the same is palpably illegal. In the instant case, the only issue that requires consideration is whether the authorities have carried out any survey at the site and taken a conscious decision to acquire the land underneath the petitioner's shop only or the adjoining areas have also been acquired? They also need to examine whether acquisition of solitary shop-site of the petitioner would serve any public purpose? Such an issue can be effectively gone into by respondent No.2 also. Hence, this writ petition is disposed of with a direction to the Regional Director and/or any Prescribed Authority of respondent No.2 to examine the above-stated aspects and take a reasoned decision within a period of two months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

February 04, 2016
mohinder

[P.B.BAJANTHRI]
JUDGE