

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-24932-2014

Date of decision:- 25.01.2016

Krishna Devi and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Suvir Sehgal, Advocate,
and Mr. Daman Dhir, Advocate,
for the petitioners.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

Ms. Jarnail Kaur Dhaliwal, Advocate,
for respondents No. 2 and 3.

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S.J. VAZIFDAR, A.C.J. (ORAL)

The petitioners seek a writ of mandamus directing the respondents to implement a report dated 30.10.2013 submitted by the Administrator, Haryana Urban Development Authority, Faridabad to respondent No. 1 and to demolish the unauthorized constructions and remove the encroachments from the acquired land in Sectors 45 and 46 and to carry out the development works thereon.

The petitioners' main prayer is for an order directing the respondents to construct the road dividing Sectors 45 and 46, Faridabad.

2. The petitioners are residents of Sectors 45 and 46, Faridabd. The respondent No. 2 is the Haryana Urban Development Authority; respondent No. 3 is the Estate Officer, HUDA, Faridabad and respondent No. 4 is the District Magistrate, Faridabad.

3. The colonies have come up. The road dividing the two sectors is in a disastrous condition. The photographs admittedly pertain to the land upon

which the road is to be constructed. This indeed causes enormous inconvenience to the residents of the two sectors. There is no reason why the road ought not to be constructed as per the plan subject of course to the petitioners and all other parties concerned complying with their obligations.

4. Learned counsel appearing on behalf of respondents No. 2 and 3 – HUDA does not have clear instructions as to whether there is any legal impediment to the respondents taking possession of the land upon which the road is to be constructed. Indeed, this land was also acquired. It is possible that the land owners have filed proceedings to challenge the acquisition and/or to seek a declaration that the acquisition has lapsed in view of the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. In the event of the proceedings being pending or in the event of there being any order of a Court restraining the respondents from taking the possession of the land, it would indeed not be possible for the respondents to construct the road. However, in the event of there being no pending proceedings or no claim by the land owners, there is no reason for the respondents not to construct the road.

5. In these circumstances, the writ petition is disposed of by directing the respondents to construct the road dividing Sectors 45 and 46, Faridabad and for that purpose to perform all acts, deeds and things subject of course to the respondents being prevented or barred from doing so in law. The respondents shall on or before 29.02.2016 furnish in writing to the petitioners' advocate(s) an action plan relating to the construction of the road. If the respondents are unable to construct it on any ground, they shall inform the petitioners' advocate(s) in writing of the same. The petitioners have no objection to such communication being addressed to their advocate(s) instead of each of them separately.

Needless to clarify that this order does not prejudice the rights of any parties who have not been impleaded.

The petition shall be placed on board on 14.03.2016 only for the purpose of compliance.

We have no reason to believe that respondent No. 4 – District Magistrate, Faridabad will not render the necessary assistance to the other respondents in accordance with law.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(ARUN PALLI)
JUDGE

25.01.2016
Amodh