

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-27026-2015
Date of Decision: October 25, 2016

Dalip Chand

.....Petitioner

Versus

The Union of India and others

.....Respondents

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

- | | | |
|----|---|---------|
| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |
| 4. | To be referred to the Reporters or not? | Yes/No |
| 5. | Whether the judgment should be reported in the Digest? | Yes/No. |

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Present: Mr.A.K.Verma, Advocate
for the petitioner.

Ms.Sonia Madan, Advocate
for respondent Nos.2 and 3.

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SURYA KANT, J.

For the construction of Sirsa bye-pass of National Highway No.10, land of the petitioner situated within the revenue Estate of village Mirpur, Tehsil and District Sirsa has been acquired. The site plan (Annexure P1) reveals that acquisition has led to the bifurcation of the petitioner's land leaving a very small piece measuring 5 Kanal on one side and a bigger chunk on the other side.

The petitioner thus seeks a direction to the National Highway Authority of India (NHAI) to acquire that small piece of land measuring 5 Kanal as according to him neither he can use it for agricultural purposes nor otherwise due to bifurcation.

During the course of hearing it is pointed out that NHAI is looking for some additional land for the same public purpose for which earlier acquisition was made. If that is so, we dispose of this writ petition with a direction to the National Highway Authorities/its Project Director to ascertain the correct facts and consider whether the petitioner's land measuring 5 Kanal comprised in Rect.No.22/2/1/2 is needed for any purpose. However, in case the authorities decide not to acquire the land, the petitioner shall be at liberty to claim compensation on account of severance of his land or for the loss he has suffered due to bifurcation. Such a claim shall be determined by the prescribed Authority in accordance with law.

(SURYA KANT)
JUDGE

October 25, 2016
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(SUDIP AHLUWALIA)
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