

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CWP No. 7059 of 2016. [O&M]
Date of Decision:02nd May, 2016.

Beas Education & Healthcare Society
Petitioner through
Mr. Aashish Chopra, Advocate
Versus

State of Punjab & Ors. Respondents.

***CORAM:HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE A.B.CHAUDHARI***

- 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]

Notice of motion.

On our asking, Mr. Rajesh Bhardwaj, Additional AG, Punjab accepts notice on behalf of respondents No. 1 and 4 and Mr. D.K.Prajapati, Advocate, on behalf of respondent – NHAI.

The petitioner is running a school and appears to have taken franchisee of Delhi Public School. The National Highway Authority of India vide the impugned notifications has acquired land for junction to be constructed for approaching National Highway No. 15 and a small piece of Petitioner's land measuring 4351 square yards comprised in Khasra Nos. 93/11[0.0436], 94/15[0.1565], 93/20 [0.1605], 93/21[0.0025] has also fallen in the acquired area.

We have seen the photographs relied upon by the petitioner indicating the location of its land under acquisition.

In the competing claim between the construction of a National Highway vis-a-vis an individual's property, be that a private

school, National Highway must get its precedence and no interference in the acquisition would be called for save it is contrary to law or well settled principles.

Faced with this, counsel for the petitioner submits that a part of the petitioner's land can be released from acquisition without disturbing the plan for widening of the National Highway provided that the Authorities are directed to revisit the subject site and consequently re-modulate their widening plan so that a reasonable distance remains between the widened Highway and the school building.

Having regard to the above noticed submission made on behalf of the petitioner, we dispose of the writ petition with a direction to the Project Director, NHAI, Punjab to look into the petitioner's suggestion in such a manner that while no compromise is made with widening of the National Highway, there remains some reasonable distance between the school building and the proposed widened road. We have no reason to doubt that such a reconsideration shall take place before commencement of the widening work at the site. If need be, the petitioner's assistance may be taken.

Disposed of. Dasti.

(SURYA KANT)
JUDGE

May 02, 2016.
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(A.B.CHAUDHARI)
JUDGE