

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 9439 of 2016

Date of Decision: 16.5.2016

Bhai Ram Kishan Educational and Charitable Trust (Regd), village
Chaura, Patiala

....Petitioner.

Versus

National Highway Authority of India, Patiala and others

...Respondents.

1. Whether the Reporters of the 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?

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE RAJ RAHUL GARG.**

PRESENT: Mr. M.S. Bedi, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the notification dated 3.5.2013 (Annexure P-4) issued by National Highway Authority of India qua the land of the petitioner.

2. The petitioner is an Educational Charitable Trust registered under Section 20 of the Societies Registration Act, 1860. The Trust also constructed school building and opened a public school with English medium and upgraded from Matric to Senior Secondary (10+2) in the Science, Commerce and Arts faculties vide Amended Memorandum of

Association dated 5.4.2013 (Annexure P-1). In the year 1988, the land measuring 100 feet was acquired for making elevated bye-pass linking the Patiala-Rajpura Road with Patiala Sangrur Road. The said bye-pass was made on the said 100 feet acquired land in the year 2008-09 which was 40 feet wide road and there were service lanes on each side of the said elevated bye-pass which was 30 feet wide as per map, Annexure P-2. The petitioner had taken the land on lease for 99 years from 1987 to 2086 and are running the charitable school having 'A' class construction. Respondent No.1 vide notification dated 3.5.2013 (Annexure P-4) acquired 40 feet land from the front of the school building which hits the building of Gurudwara which is a religious place. No individual notice was issued to the petitioner for acquiring the land and calling for the objections. Even the notification acquiring the land in question was not in the knowledge of the petitioner. The petitioner came to know about the acquisition of land for widening the bye-pass when the officials of National Highway Authority of India came on the spot and started their work for preparing the drawings. Thereafter, the petitioner made a representation dated 18.11.2015 (Annexures P-5) to the Deputy Commissioner, Patiala for not acquiring the land of the school and Gurudwara Sahib, who vide letter dated 8.1.2016 (Annexure P-6) forwarded the said representation to respondents No.2 and 4 for further necessary action. However, no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved a representation dated 18.11.2015 (Annexure P-5) to the Deputy Commissioner, Patiala, who vide letter dated 8.1.2016 (Annexure P-6)

forwarded the same to respondents No.2 and 4, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.4 or any other competent authority to take a decision on the representation dated 18.11.2015 (Annexure P-5), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 16, 2016
gbs

(RAJ RAHUL GARG)
JUDGE