

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

CR No.6692 of 2017(O&M)

Date of decision: 28.9.2017

Jagpal Singh and others

.....Petitioners

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Amit Kumar Walia, Advocate for the petitioners.

REKHA MITTAL, J. (Oral)

The present petition directs challenge against orders dated 20.05.2017 passed by the Civil Judge (Junior Division), Sangrur and dated 31.08.2017 by the Additional District Judge, Sangrur whereby application of the petitioners for grant of interim injunction was dismissed by the trial Court and the order passed by the trial Court has been affirmed in appeal by the Additional District Judge. A relevant extract from para 6 of the order dated 31.08.2017 reads as follows:-

“6.... Construction of roads and its widening is the public cause. Unless there are extra ordinary circumstances, the courts normally do not interfere in development work. If such course is adopted, for every contestable issue the entire development can stop. Balance of convenience is strictly in favour of the defendants. In addition sufficient documents have been placed on record by the defendant. As per field book, the provincial govt. has been held entitled to the property to which no challenge has been made. It shall not out of place that defendants have already undertaken before

the learned lower court in suit proceedings dated 15.10.2016 that they are not going to demolish any construction of the plaintiffs. Plaintiff do not have any better claim than to protect his construction as clear from heading the suit. Since an undertaking has been given by the defendants not to demolish those shops, plaintiffs have nothing to fear. But as far as vacant space is concerned as already discussed, plaintiff does not have any prima facie case. Balance of convenience and irreparable loss aspect are rather in favour of the defendant/State of Punjab. With these observations, this court is of the opinion that no interference is warranted in the order of the learned lower court with only rider that State shall be bound by the statement made by their officer in the court regarding no demolition of construction of the respondent at spot.”

Keeping in view the observations recorded by the Court in appeal, I do not find any reason to interfere in the consistent findings recorded by the Court below negating plea of the petitioners for grant of interim injunction. However, if at the time of final adjudication of the case, it is found that any part of the land belonging to the petitioners has been utilized for construction of the road, the petitioners may press their claim for grant of compensation in regard thereto.

With the aforesaid observations, the petition stands disposed of.

SEPTEMBER 28, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no