

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

CWP No. 10130 of 2014

Date of decision : 09.08.2017

National Highways Authority of India

...Petitioner

V/s

The Chairman, Permanent Lok Adalat, Public Utility Services,
Rupnagar & ors.

...Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. RTPS Tuli, Sr. Advocate with
Mr. Sunil K. Sahara & Ms. Neha Sharma, Advocates
for the petitioner.

Mr. M.S. Rana, Advocate for
Mr. Kumar Vishav Aggarwal, Advocate for respondent no. 2.

Mr. Akshay Bhan, Sr. Advocate with
Mr. Gurinder Singh, Advocate for respondent no. 3.

RAJAN GUPTA J.

Petitioner has impugned order 01.03.2014 passed by Permanent
Lok Adalat, Rupnagar, operative part whereof reads as under:-

“23. In view of the above discussion we are of the opinion that the point no. 1 framed on 19.8.2013 is decided against the applicant whereas point no. 2 is decided in his favour. The first part of point no. 3 is decided in favour of the applicant and the second part regarding compensation against him. We are, therefore, of the opinion that present application partly succeeds and the same is accordingly allowed. The respondent no. 1 NHAI is directed to extend/construct the storm channel from point ‘B; to the edge of the culvert which is approximately 15 feet as they have constructed the other portion of it and should cover it with removable slabs to allow its periodic cleaning. The respondent no. 1 NHAI is further

directed to construct the wall in the pit leaving an area of 12 feet wide along with the plot of the applicant. The applicant would be free to fill up that portion 12 feet wide with earth and may use it as ROW. The respondents are further directed to keep the pit, storm channels and the nullah clean by getting it cleaned periodically and to remove the stinking material there from so as to maintain public conservancy and sanitation.”

Learned counsel for the petitioner has contended that the issue regarding construction of storm channel from point ‘B’ to the edge of the culvert could not have been adjudicated upon by the Lok Adalat in view of section 22 C of the Act. Stand of respondent no. 3 is that Forum had complete authority to adjudicate upon the issue. They have relied upon certain judgments in support of their respective stands.

On due consideration of the matter, I feel that matter needs to be remitted to same Forum for decision afresh after considering judgments relied upon by the counsel. Impugned order is, thus, set-aside. Matter is remitted to same Forum for decision afresh. The parties shall be at liberty to apprise the Forum of the latest status with regard to construction/alteration, if any, carried out at the spot. It shall also consider whether circumstances have changed due to lapse of time requiring no further directions. Decision be taken in light of same.

Allowed in these terms.

August 09, 2017

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No