

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

**CWP No. 13126 of 2015
Decided on : 28.09.2017**

Dilbagh Singh

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

PRESENT: Mr. Joginder Sharma, Advocate
for the petitioner.

Mr. Jaswinder Singh, Sr. DAG, Punjab.

Ms. Reeta Kohli, Sr. Advocate with
Mr. S.S. Rangi, Advocate and
Mr. Rahul Sharma, Advocate for respondent No.2.

Mr. Malkiat Singh Hundal, Advocate for
Mr. R.S. Bains, Advocate for respondent No. 3.

Ms. Neha Jain, Advocate for
Mr. Manish Dadwal, Advocate for respondent No.4.

Mr. B.S. Rana, Sr. Advocate with
Mr. Gagandeep Singh, Advocate for respondents No.5 to 9.

AJAY KUMAR MITTAL, J. (Oral)

The petitioner has approached this Court under Articles 226/227 of the Constitution of India, seeking quashing of the transfer of land measuring 9 Kanals 11 Marlas in favour of respondent No.4 out of the acquired land measuring 18 Acres 3 Kanals 2 Marlas in the revenue estate of village Uppal Jagir, Hadbast No.65, Tehsil Phillaur, District Jalandhar, which was acquired vide notification No. 14/22/98-M-5/1102 Chandigarh, dated 22.02.2007 by the State of Punjab.

2. As per the averments made in the writ petition, the challenge is primarily on the ground that the land which was acquired, belongs to the

Punjab Mandi Board (in short 'the Board') and the Board has transferred the said land in favour of respondent No.4.

3. Upon notice of motion having been issued, separate written statements on behalf of the respondents have been filed, more particularly on behalf of respondent No.2, wherein, in preliminary submissions in para 2, it has been categorically stated that respondent No.2 has never transferred 9 Kanals 11 Marlas disputed land in favour of respondent No.4, as alleged by the petitioner. Para 2 of the preliminary submissions reads thus:-

“2. That the petitioner has not approached this Hon'ble Court with clean hands. Respondent No.2 has never transferred 9 Kanals 11 Marlas disputed land in favour of respondent No.4. As per the demand of the residents, dated nil Annexure A(2), farmers including followers of Divya Jyoti Ashram, Noormahal Distt. Jalandhar, the Punjab Govt. had proposed to widen the road. It is pertinent to mention here that the land acquired vide notification Ann.P-1 was for a specific purpose i.e. for development of New Grain Market Noormahal. After acquisition, development plans including building and roads were planned. Keeping in view the change of circumstances and traffic rush, it was proposed to merge service lane measuring 22 feet with proposed 33 feet wide road. Thus making the total width of the road to be 55 feet for the convenience of the farmers who can easily park their vehicle for bringing the agricultural produce to the Noormahal Mandi. As such sanction to widen the road upto 55 feet abutting to Mandi area only, vide letter no. STP/643

dated 20.5.2015, was in the larger public interest and in view of pending demand of the farmers as well as the residents of the area. This road further leads to villages Kotla, Bhandal Himmat and Bhandal Buta and the same will also serve as Bye Pass to avoid congestion in the Noormahal City. Drawing of the site plan duly approved by competent authority is attached herewith as Annexure R-1.”

4. In view of the above, we do not find any justification to continue with the present Public Interest Litigation. Accordingly, the petition is disposed of.

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

September 28, 2017

J.Ram

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No