

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

CWP No. 253 of 2016 (O&M)

Date of decision : 20.3.2017

Diocese of Jalandhar

.. Petitioner

versus

Union of India and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Harinder Singh Sidhu**

Present: Mr. Vinod Gupta, Advocate, for the petitioner.

Mr. Raghujeet Singh Madan, Advocate,
for respondent nos. 2 and 3.

Mr. P. S. Bajwa, Additional Advocate General, Punjab,
for respondent nos. 4 and 5.

Mr. Gurmohan Singh Bedi, Advocate, for the applicant
in CM No. 4139-CWP of 2017.

Rajesh Bindal, J.

The petitioner has challenged the acquisition of land situated in village Jauneke, Tehsil Patti, District Tarn Taran, where notification under Section 3A of the National Highways Act, 1956, was issued on 5.7.2013, published on 29.7.2013.

Learned counsel for the petitioner submitted that the petitioner owns 48 kanals of land, out of which 5 kanals 6 marlas has been used for construction of school, church and the houses for the staff. Rest of the land is lying vacant. A bye pass has been planned in the area. In the process, part of the constructed school will have to be demolished. There is enough space available close to that area which can be used by changing the alignment of the bye pass. The landowners, whose land is vacant, have no objection to

the acquisition. The respondents of the nearby villages have also raised objection to the acquisition while stating that the school in question is the only school nearby.

On the other hand, learned counsel for the State submitted that after the acquisition of the land 65% to 75% work has already been completed. The earth work on the portion beyond the small portion of land owned by the petitioner has already been completed. Its carpeting is required. Alignment of the road cannot be changed at this stage as the same will delay the entire process. Fresh notification may have to be issued for acquisition of land. There is deadline for completion of the project by the end of September, 2017. The contract had already been awarded. In case of delay, there may be dispute on account of which, the State may suffer. Even otherwise, all constructions have been raised by the petitioner without any permission.

It was further submitted that the acquisition carried out vide same notification was challenged in CWP No. 18618 of 2014 Managing Society of Guru Gobind Singh Khalsa College vs Union of India and others and this Court considering the fact that widening of National Highway is of paramount public importance and National Highways are the life-line for development of a Nation and that individual's hardships or inconvenience have to give way to the larger public interest, the writ petition was dismissed on 28.9.2016.

After hearing learned counsel for the parties, in our opinion, there is no scope for interference in the present writ petition. The alignment of the bye-pass cannot be changed at this stage, as suggested by the petitioner. 65% to 75% work has already been completed. The project is to

be completed by the end of September, 2017. Even if there is some hardship to the petitioner, the larger public interest has to be kept in view, which always overweighs the private interest. Widening of the road, construction of bye-pass is always in larger public interest. Possession of 9.7 kilometers of bye-pass out of the total 9.9 kilometers is already with the department. Only a small portion of land, the possession of which is with the petitioner, is pending. Merely because the petitioner has raised the construction is not a bar for acquisition of land, especially for the purpose of infrastructure development.

For the reasons mentioned above, we do not find any merit in the present writ petition. The same is hereby dismissed.

(Rajesh Bindal)
Judge

20.3.2017
vs

(Harinder Singh Sidhu)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No