

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

CWP No.3781 of 2016 (O&M)

Date of decision:17.03.2017

Bachan Singh (deceased) through LRs

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ajay Jain, Advocate
for the petitioner.

Mr. R.S.Madan, Advocate
for the applicant.

Mr. Sandeep Singh Mann, Sr. DAG, Haryana.

AMIT RAWAL J. (Oral)

C.M.No.6456 of 2016

National Highways Authority of India has moved an application for impleading it as respondent No.4 on the premise that part of the land in possession of the petitioner has been acquired under National Highway No.10 and in this regard, particulars of the notification indicating khasra numbers have also been given. No reply has been filed.

I am of the view that impleadment of National Highways Authority of India as respondent No.4 is essential and necessary for adjudication of the matter.

Resultantly, the application stands allowed and National

Highways Authority of India is impleaded as respondent No.4.

CWP No.3781 of 2016 (O&M)

The grievance of petitioner in the present writ petition is that representation for granting of proprietary rights in respect of land belonging to the Government as has been sought to be done in other writ petitions bearing Nos.35 to 37 of 2016, is pending, in essence, possession thereon has been taken.

Mr. Ajay Jain, Advocate has been very fair and honest to inform this Court that in this case also, the Government had initiated the proceedings under the Haryana Public Premises and Land (Eviction of Rent Recovery) Act, 1972 (hereinafter referred to as “1972 Act”) which are still pending. He further submits that even in the pending proceedings, issues have not been framed, though the petitioner had taken up a plea of setting up the claim of proprietary rights being legal heir of Goma Singh. The petitioner shall also move an application, in view of the decision already rendered by this Court in the writ petition for framing of issues and lead evidence in support of his claim. The authority shall decide the matter on the basis of the aforementioned fact.

Once I have already given a liberty to the petitioner to set up a claim which has been sought in other writ petitions bearing No.35 to 37 of 2016, no cause of action survives in the present writ petition.

However, there shall be no stay with regard to killa number, i.e., Murabba No.1315//, Killa No.13, 18, 19 and 21 of village Bir, District Hisar, in essence, National Highways Authority of India shall be at liberty

to continue with the construction for the purpose the land has been acquired.

Writ Petition stands disposed of in aforesaid terms.

(AMIT RAWAL)
JUDGE

March 17, 2017
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No