

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

CWP No. 9012 of 2017 (O&M)

Date of decision : 30.5.2017

Labh Singh and another

.. Petitioners

versus

Union of India and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mrs. Justice Sneh Prashar**

Present: Mr. G.P. Vashisht, Advocate, for the petitioners
in CWP No.9012 of 2017
Ms. Neha Jain, Advocate, for the petitioners
in CWP No.10398 of 2017.

Mr. B. S. Bhalla, Advocate, for NHAI.

Ms. Munisha Gandhi, Addl. Advocate General, Punjab with
Mr. Sandeep Kumar Bansal, Asstt. Advocate General, Punjab.

Rajesh Bindal, J.

This order will dispose of two petitions bearing CWP Nos. 9012 and 10398 of 2017, as common questions of law and facts are involved therein.

The petitioners herein are seeking to challenge acquisition of land being acquired for the purpose of widening of Chandigarh-Ludhiana road. The acquisition is sought to be challenged raising a plea that as there is construction existing on some part of the acquired land, it is better proposition in case the land adjoining to the already existing road is acquired for widening thereof. Further the revenue record is not correctly depicting the nature of the land. Part of the land was earlier acquired for allotment of plots to poor persons, even that is sought to be acquired. The land adjoining to the acquired land, which may be more suitable is available

and even the landowners thereof do not have objection to the acquisition.

On the other hand, learned counsel for the NHAI submitted that acquisition at the spot is not merely for four-laning of the existing road rather at that specific place elevated over bridge has to be constructed, the land being at the crossing of roads leading from Chandigarh to Ludhiana and Chamkour Sahib to Doraha. Road from Chamkour Sahib to Doraha is adjoining to Sirhind Canal. It is not technically feasible to acquire the land adjoining the existing road, as that portion of road and already existing bridge are to be utilized for local and slow moving traffic. All technical aspects for construction of elevated road at the spot in question were examined by the technical team with NHAI and the best possible location has been chosen for construction of elevated road and the over bridge. The petitioners' off the cuff suggestions cannot be accepted as they are not experts on the subject. Even if for the arguments sake, it is accepted that there may be some alternative but it is too late to examine the same unless the proposal already accepted and under implementation is faulty, as the result would be delay of the entire project. It is being implemented at a fast speed to create infrastructure to ease out increasing traffic problem. He further submitted that in case the petitioners have any issue regarding some discrepancy in the revenue record, they have liberty to raise the same in terms of the provisions of the National Highways Act, 1956 (for short, 'the Act').

After hearing learned counsel for the parties, we do not find any reason to interfere in the present petitions. The acquisition of land at the spot in question is not only for four-laning of existing road, rather the same is for the purpose of construction of over bridge at inter section of two roads

and to cross Sirhind Canal. Road from Chamkaour Sahib to Doraha is adjoining to Sirhind Canal. The petitioners have sought to give many alternative suggestions, which according to them may be more suitable, however, the entire exercise having been done by NHAI with technical expertise, this Court will not enter into that area, the expertise being not available. The National Highway Authority of India is an expert body. Technical part of the project made by it, should be accepted, unless something glaring is pointed out, which is not there in the case in hand. There is no bar under the Act for acquisition of any portion of land, on which there may be construction existing which comes in the way for implementation of a project especially relating to infrastructure development. In the case in hand, it is four-laning of the existing road and construction of elevated road at a crossings. If there is any issue regarding error in the revenue record, the landowners have remedy under the provisions of the Act to point out the same before the authorities.

For the reasons stated above, we do not find any merit in the present petitions. The same are accordingly dismissed.

(Rajesh Bindal)
Judge

(Sneh Prashar)
Judge

30.5.2017
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No