

CWP-12416-2018

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12416-2018

Date of Decision: May 17, 2018

Lt.Col.Kulwinder Singh and others

.....Petitioners

Versus

Union of India and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SHEKHER DHAWAN**

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.M.L.Sharma, Advocate for the petitioners.

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SURYA KANT, J.

The father of petitioners was owner of the land measuring 71 kanal 1 marla situated within the revenue estate of village Mahal, District Amritsar, as fully described in para 1 of the writ petition. A part of the land was acquired for defence purposes way back in the year 1966 as about four acres of land was left out. The long correspondence between petitioners and the Army authorities reveal that the left out land of the petitioners is now surrounded by Cantonment Board, Amritsar. Their two-fold grievance in the instant writ petition as well as in the repeated representations sent to the authorities are that (i) either the left out land may also be acquired; (ii) or they may be provided a passage for ingress and egress as the unacquired land was left out for construction of houses.

[2] Letters placed on record further reveal that request of the

petitioner was favourably considered at different levels but no final decision appears to have been taken by the Competent Authority.

[3] Though this Court cannot issue a mandamus to compel the authorities to acquire the land measuring 31K 1M which is still owned by the petitioners, nevertheless, their prayer for providing ingress and egress does require consideration. It goes without saying that if the authorities take a holistic view that no passage can be provided to the land for valid reasons, the desirability of acquiring the left out land, in accordance with law can be considered.

[4] The writ petition is, thus, disposed of at this stage without expressing any views on merits with a direction to respondent Nos.1 to 5 and 8 to 11 to consider the above-mentioned claim(s) of the petitioners and take an appropriate decision in accordance with law within a period of four months from the date of receipt of a certified copy of this order. With a view to facilitate the respondent-authorities in formation of their final view, the petitioners are directed to deposit requisite complete sets of this writ petition with the Registry which may be forwarded alongwith a copy of this order to the above-mentioned respondents for consideration.

**(SURYA KANT)
JUDGE**

May 17, 2018
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**(SHEKHER DHAWAN)
JUDGE**

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |