

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-25984-2012

Date of Decision: August 23, 2018

Sharanjit Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.G.S.Punia,Sr.Advocate with
Ms.Jagriti Kalia, Advocate for the petitioner.

Mr.Sandeep Virmani, Addl.AG, Punjab.

Mr.Sanjeev Sharma, Sr.Advocate with
Mr.Aashish Chopra and Ms.Rupa Pathania, Advocates
for VAR Realtor.

Mr.Rupinder Khosla, Sr.Advocate with
Mr.Sarvesh Malik, Advocate for GLADA.

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SURYA KANT, J.(ORAL)

The petitioner seeks quashing of Notifications dated 06.07.2011 and 04.11.2011 issued under Sections 4&6 of the Land Acquisition Act, 1894 respectively, followed by the Award dated 09.11.2012 to the extent of acquisition of a part of *Gair Mumkin Rasta* land of village Devatwal, Tehsil & District Ludhiana. The *Gair Mumkin Rasta*, i.e. public passage as recorded in the revenue record, has been acquired to facilitate the Mega

[2] It is pointed out by learned counsel for the respondents that the land of *Gair Mumkin Rasta* admittedly vests in the Gram Panchayat and it is so recorded in the revenue record also. The Gram Panchayat has received the compensation and has not challenged the acquisition before any Forum. A pointed reference is made to the Site Plan, Annexure R3/16 in which land of the petitioner is shown in 'Blue, Pink and Purple' colours. None of these parcels of land are near to the *Gair Mumkin Rasta*, which has been acquired. It stands crystallized from the site plan that no obstruction in the free movement of the petitioner or utilisation of his land/property has been caused by the said acquisition.

[3] The allegation of the petitioner that the Gram Panchayat has colluded with the private builder cannot be entertained for the simple reason that the Gram Panchayat is not a party-respondent in the instant writ petition.

[4] Nevertheless, it appears to us that acquisition of revenue *rastas* should not cause any inconvenience or hardship to the residents of the village in the matter of free enjoyment of their agricultural land or dwelling units. Although learned senior counsel for the private builder submits that all the roads constructed by the builder are also meant to be used by general public including the residents of the area, we direct the Principal Secretary, Housing and Urban Development Department, Punjab to treat this writ petition as a representation on behalf of all the residents of the village and take such necessary action to ensure that no resident of the village faces any inconvenience, hardship, difficulty or obstruction in the enjoyment of

hear the Gram Panchayat and representatives of the other villagers as well as other stake-holders before issuing necessary directions, within a period of six months from the date of receipt of copy of this order.

[5] Disposed of.

(SURYA KANT)
JUDGE

August 23, 2018
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(SUDIP AHLUWALIA)
JUDGE

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