

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.26596 of 2017 (O&M)

Date of Decision.05.07.2018

Sital Organics Private Ltd.

...Petitioner

Vs

Union of India and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Shailendra Jain, Senior Advocate with
Mr. Kshitij Sharma, Advocate
Mr. J.K. Khetarpal, Advocate,
Mr. Balwinder Singh, Advocate
Mr. Kanav Bansal, Advocate for
Mr. Munish Kumar Garg, Advocate
for the petitioner(s).

Mr. Chetan Mittal, Senior Advocate with
Mr. Raghujeet Singh Madan, Advocate
Mr. Mayank Aggarwal, Advocate and
Mr. Anil Chawla, Advocate
Mr. Akash Vashisth, Advocate for
Mr. Sanjay Vashisth, Advocate
for respondent No.1 and 2.

Mr. M.S. Rana, Advocate for
Mr. Ashish Kapoor, Advocate
for respondent No.5 in CWP Nos. 3293, 3606, 4625 &
4981 of 2018.

Mr. Ankur Mittal, Additional Advocate General, Haryana with
Mr. Manoj Dhankhar, AAG, Haryana.

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RAJESH BINDAL J.

Replies filed on behalf of respondent No.2 in CWP
Nos.3606, 3293, 1318, 1328 and 8349 of 2018 in Court today are taken
on record.

This order will dispose of petitions bearing CWP Nos.26596
of 2017 and 58, 78, 1318, 1328, 3293, 3606, 4625, 4981, 8349 & 16088
of 2018.

The issue under consideration in the bunch of petitions is

regarding access to the land owned by petitioners from the National Highway.

Mr. Chetan Mittal, Assistant Solicitor General of India submitted that in some of the cases applications have been filed by petitioners with authorities seeking access to their land from the National Highway, however, requisite formalities have not been completed as per the guidelines issued by the Ministry of Road Transport and Highways and in some cases, even applications have not been filed. He submitted that if the petitioners appear before the National Highway Authority of India, A-3, UGF, Pushpanjali Enclave, Pitampura, New Delhi on 16.07.2018 at 11.00 AM along with complete documents required for grant of access, their claims would be considered and decided by the competent authority without any delay. If any fee is required to be paid, the petitioners will be required to deposit the same with the authority.

In view of the aforesaid stand taken by Mr. Chetan Mittal, Assistant Solicitor General of India, let the petitioners appear before the competent authority, as mentioned above, on the date and time fixed along with complete record required to be produced for grant of access from National Highway to their land. Requisite fee, if any required, may also be deposited.

Necessary exercise for consideration of the claims of the petitioners shall be completed by the competent authority within a period of one month from the date the petitioners put in appearance and complete the requisite formalities. In case, claim of any of the petitioners is not found tenable in terms of policy or guidelines issued for the purpose, decision taken by the authority shall be conveyed to that

claim is not accepted, shall be at liberty to avail his appropriate remedy against the order passed.

In some of the petitions, the issue regarding shifting of toll plaza from 51.400 kms to 53.600 kms has also been raised.

We have not considered that issue as Mr. Mittal had informed that the issue regarding shifting of toll plaza is pending consideration in another petition bearing CWP No.28839 of 2017 titled as “Aseem Takyar Vs. Union of India and others”. The petitioners would be at liberty to raise that issue in a subsequent petition, if required.

Whatever interim directions were issued by this Court during the pendency of the writ petitions, the same shall continue till the decision of the competent authority on the applications submitted by the petitioners.

The writ petitions stand disposed of accordingly.

(RAJESH BINDAL)
JUDGE

(AMIT RAWAL)
JUDGE

July 05, 2018
Pankaj*

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**