

**CM-4094-6056-6083-2017 in/and
CWP-3407-2017(O&M)**

-1-

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

**CM-4094-6056-6083-2017 in/and
CWP-3407-2017(O&M)
Date of Decision: January 19, 2018**

Ajay Saini

.....Petitioner

Versus

Union of India and others

.....Respondents

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

- | | | |
|----|---|---------|
| 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 |

.....

Present: Mr.Ajaivir Singh, Advocate for the petitioner.

Mr.Harkaran Singh, Advocate for
Mr.B.S.Bhalla, Advocate for respondent No.1-NHAI.

Mr.Rajesh Bhardwaj, Sr.DAG, Punjab.

.....

SURYA KANT, J.

CM-6056-2017

Application is allowed subject to all just exceptions and
replication to the written statement of respondent No.1 alongwith Annexure
P-12 is taken on record.

CWP-3407-2017

The land/property of the petitioner comprising some shops
located on National Highway No.21 and 95 (old) (National Highway No.5
New) has been acquired for widening of Mohali-Kharar section of the said

Highway. The petitioner is questioning the demarcation carried out by the National Highway Authority of India (NHAI) or its project proponent, i.e. Larsen and Toubro Company (L&T). As per the demarcation report of NHAI, the petitioner will have to demolish a small part of the front portion of his shops. His contention is that the demarcation has been erroneously carried out and had it been done by taking the correct central point of the road, the land on his opposite side would be required for such widening. Reliance is placed on a demarcation report now submitted by Tehsildar, Kharar dated 14.12.2017, which has been carried out under the directions of this Court.

[2] We have heard learned counsel for the parties and are of the view that such like factual disputes cannot be resolved in writ proceedings. The subject site, where National Highway is being widened, is one of the most congested road in the State of Punjab and no hindrance can be allowed to be created in construction/widening of the National Highway at that site. As regard to the mistake, if any, in the demarcation of the land, we deem it appropriate to dispose of the writ petition with a direction to NHAI and its project executor, namely, L&T to consider the demarcation report dated 14.12.2017 of Tehsildar Kharar and if need be, make suitable modifications at the site for the purpose of widening of the National Highway. However, the work of widening of the National Highway must continue in full swing and be completed at the earliest.

CM-4094-2017

As the main case has been disposed of, the present application

**CM-4094-6056-6083-2017 in/and
CWP-3407-2017(O&M)**

-3-

for stay has become infructuous and the same is disposed of as such.

CM-6083-2017

As the main case has since been disposed of, the present application for preponing the main case has become infructuous and the same is disposed of as such.

**(SURYA KANT)
JUDGE**

January 19, 2018
meenuss

**(SHEKHER DHAWAN)
JUDGE**

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