

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

CWP-5370-2017 (O&M)
Date of decision : 10.08.2018

Gram Panchayat Bhakli

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sushil Sheoran, Advocates,
for the petitioner.

Mr. S.K. Saini, AAG, Haryana.

Mr. Amit Kumar, Advocate,
for respondent Nos.3 and 4.

Mr. Sandeep Verma, Advocate,
for the applicant.

JITENDRA CHAUHAN, J.
CRM-18507-2017

This is an application under Order 1 Rule 10 read with Section 151 of the Code of Civil Procedure for impleading applicant-Gram Panchayat, Bhakli-II, as respondent.

Heard.

For the reasons recorded in the application, the same is allowed and the applicant is impleaded as respondent No.6 in the memo of parties. The amended memo of parties appended with the application is taken on record.

Main case

Prayer in the instant petition is for issuance of a direction to the respondents to construct the railway under bridge (for short, 'the RUB') at point 28/8 on Rewari-Hisar-Bathinda Railway Section and not to shift it from point 28/8 to 28/2-3.

After hearing learned counsel for the parties, the Court feels that the proposed RUB is to cater to the needs of the general public and particularly the villagers of two villages, namely, Bhakli-I and Bhakli-II. The recommendation has been made on the basis of joint spot inspection carried out by the State authorities as well as the Railways Department. However, there is no material on record to show that the residents of the two villages who are the proposed main users and in a way stakeholders, were joined during inspection and their suggestions were solicited. Learned State counsel, on telephonic instructions from Mr. Baljeet Singh, SHO, PWD (BR), Rewari, has confirmed this fact.

In this view of the matter, the Court feels that the exercise done by the State authorities along with the Railways Department needs to be gone into again after associating the residents of both the villages.

In the circumstances, the recommendations made by the team of experts are set aside and the State as well as the Railways are directed to fix up a date for visiting the site after due notice to the residents of the both the villages i.e. the petitioner as well as newly-added respondent No.6 and all others who are likely to be benefitted or affected by the proposed construction.

The needful be done within a span of three months from the date of receipt of a certified copy of this order. Respondent No.2 is directed to ensure that due publicity in the area is given prior to the scheduled visit of the joint inspection team for the purpose.

Disposed of.

10.08.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No