

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-3651-2018

Date of Decision: February 16, 2018

Brij Mohan and another

.....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.Premjit Kalia, Advocate for the petitioners.

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SURYA KANT, J.

The petitioners are residents of village Sohian Khurd, Tehsil Ajnala District Amritsar. A part of their land comprising Khasra No.49//26/2 situated within the revenue estate of village Sohian Khurd, Tehsil Ajnala, abutting National Highway No.15 from Amritsar to Batala was acquired for widening of the said National Highway.

[2] The case of the petitioners is that out of the acquired land, 749 sq.yards land has neither been taken into possession nor is required by the authorities. They thus, claim that the said land deserves to be released from acquisition. A representation to this effect has been made by the petitioners on 25.10.2017 but finding no response, the instant writ petition has been filed.

[3] We have heard learned counsel for the petitioners and gone

through the record. It is not in dispute that the acquired land of the petitioners includes the land in question measuring 749 sq.yards also. The question whether the said land is required for the notified public purpose or any other ancillary purpose can be examined by respondent Nos.2 and 3 only. Needless to say that if the acquired land is needed for the public purpose presently or in future, the petitioners cannot compel the authorities to release the same. At the same time, if the authorities are of the view that a piece of acquired land is of no use for them, let the representation submitted by the petitioners be considered sympathetically and let an appropriate decision be taken within a period of four months from the date of receipt of a certified copy of this order.

(SURYA KANT)
JUDGE

February 16, 2018
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(SHEKHER DHAWAN)
JUDGE

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