

CWP-6495-2014 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6495-2014 (O&M)

Date of Decision: February 08, 2019

Jarnail Singh & Ors

... Petitioner

vs.

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Vishal Aggarwal, Advocate, for the petitioners.

Mr. Abhaypal Singh Gill, AAG, Punjab.

Mr. B.S.Kanwar, Advocate, for respondents No. 3 to 5.

ARUN MONGA, J

1. The present writ petition has been filed, *inter alia*, for issuance of a writ in the nature of *mandamus* directing the respondent(s) to permit the petitioners as well as the general public to use the road going parallel to the railway track towards Pathankot, Sujjanpur and Gurdaspur.

2. Learned counsel for the petitioner contends that the petitioners have been using the said passage for almost more than 50 years. He also contends that there are about 4,000 residents in the surrounding villages who have been using the said road.

3. Pursuant to order dated 24.01.2019, Col, Mukul Khare, Station Staff Officer (A), Army Station, Headquarter, Pathankot and also Mr. Balraj Singh, Additional Deputy Commissioner are present in the Court. After due deliberations amongst the counsels for the respective parties, as also the officers present in Court, it is mutually agreed that until permanent solution, regarding providing of the road with 24 hours access, is found, the movement of the Civilians, through Military area, will be provided through gate No. 6 on

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Sujanpur Road as the main entry point which shall be kept open for 24 hours. Col, Mukul Khare, Station Staff Officer (A), Army Station, Headquarters, Pathankot, also states that as per affidavit dated 28.09.2017, in addition, access will also been provided from gate at T point, which shall be kept open for all the villagers/residents from 7:00 A.M. To 7 P.M. He further states that depending upon the nature of emergency, the access from T point of the gate shall also be provided between 7:00 P.M. To 7.00 A.M.

4. Learned counsel for the petitioners points out that in the meeting held on 06.08.2017, the officers from Civil Administration as also from Army were present and it was decided that an alternate route to Bahadur Lahri, Budhinagar and Raghunath Nagar, is required to be provided.

My attention has been drawn to the minutes of the said meeting which has been annexed herein as Annexure R10 alongwith the additional affidavit dated 28.09.2017 filed by Col. N.P.S.Mann.

5. In view of the decision taken in the meeting dated 06.08.2017 (Annexure R-10), respondent no.2.-Deputy Commissioner, Pathankot is directed to take appropriate steps, as recommended by the then Deputy Commissioner, Pathankot, to carry out department survey to ascertain the feasibility for a permanent passage for the villagers alongwith the railway track so as to avoid movement from the military area. Let needful be done within a period of 06 months from the date of receipt of certified copy of this order. Till the permanent passage is provided, the villagers can use the passage through contonment area, as mutually agreed, supra.

6. Disposed of accordingly.

February 08, 2019
smriti

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No