

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

CWP-23045-2018(O&M)

Date of Decision: July 12, 2023

GURINDER SINGH AND ORS

.....Petitioners

Versus

UNION OF INDIA AND ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. S.S. Rangi and Mr. Zorawar Singh, Advocates
for the petitioners.
Mr. D. K. Singal, Advocate for respondents No.1 and 2.
Ms. Anju Sharma Kaushik, DAG, Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of present writ petition, prayer has been made for issuance of directions to respondents to disburse the amount of compensation to the petitioners in view of their land falling in Khasra No.27//9/2(1-16) situated within the revenue limits of Village Khamano Kamali, Tehsil Khamano, District Fatehgarh Sahib, having been occupied and utilized under the project "Four Laning Of Kharar-Ludhiana Road".

2. As per the case set up in the writ petition, in pursuance to notification dated 25.02.2015 issued under Section 3a(1) of the National Highways Act, 1956, while acquiring land for the project "Four Laning Of Kharar-Ludhiana Road", three marlas of land owned and possessed by petitioners falling under Khasra No.27//9/2 (1-16) situated in the revenue limits of Village Khamano Kamali, Tehsil Khamano, District Fatehgarh Sahib was sought to be acquired. It has been further stated

that on the

spot, possession of around nine marlas of land belonging to the petitioners was taken by the respondents and utilized under the aforementioned project. During pendency of the present writ petition, on 21.04.2023 this Court passed the following order:-

“It is jointly stated that a fresh demarcation be conducted by the Tehsildar, Khamanon, District Fatehgarh Sahib regarding the land of petitioner(s).

In view of the above, Tehsildar, Khamanon is directed to visit the spot along with any other revenue official(s), including Patwari and submit the demarcation report before the date fixed.

It is clarified that in case there is non-appearance by either of the parties at the time of demarcation, the same shall not give any cause of action in this regard.

All concerned be duly intimated by the Tehsildar at least two days in advance.

Posted on 18.05.2023.

Photocopy of this order be placed on the connected case(s).”

3. In pursuance thereof, demarcation was carried out by the revenue authorities on 12.05.2023 in the presence of both the parties, however, the same was objected to by the respondents while stating that demarcation be carried out as per the Differential Global Positioning System. Even an application to the aforesaid effect has also been moved at the instance of respondents No.1 and 2 which has been registered as CM-9879-CWP-2023.

4. Both the parties have been heard on the aforementioned application as well as the writ petition.

5. Learned counsels representing the parties are ad idem that a fresh demarcation pertaining to the land in question as mentioned in the writ petition may be carried out by the revenue authorities by applying Differential Global Positioning System in the presence of both

the sides and the cost thereof shall be borne by respondents No.1 and 2. Learned counsel representing respondents No.1 and 2 further submits that in case they are found to be in occupation of land owned by the petitioners, in pursuance to the afore-stated demarcation, in excess they shall initiate and conclude proceedings for acquisition relating to the said land under the provisions of National Highway Act, 1956 and the petitioners shall be released compensation in pursuance thereof within a period of six months along with interest from the date when possession was taken from the petitioners. It is further made clear that the said interest shall be over and above all other statutory benefits and interests as provided under the provisions of National Highway Act, 1956.

6. Disposed of in the aforesaid terms.

12.07.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>