

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

CWP-21520-2020 (O&M)
Date of decision : 08.02.2021

Jiten

...Petitioner

Versus

National Highway Authority of India and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.S. Duhan, Advocate for the petitioner.

Mr. R.S. Madan, Advocate for the respondents.

ANIL KSHETARPAL, J. (ORAL)

The respondents are constructing the National Highway 152-D under the Bharat Mala Project. The petitioner herein is a Farmer who owns land abutting the National Highway. On his representation, the respondents have provided a box culvert of size 4m x 3m at KM 115+700 (passage).

Now, the petitioner claims that the petitioner should be provided with a passage of the size of 7m x 4m.

Learned counsel for the petitioner contends that the passages with similar height and width have been provided to various other Farmers.

On the other hand, the respondents have contested the petition by submitting that the petitioner has already been provided the passage and if the petitioner wishes to take a vehicle of more height than the culvert, then he can use the passages which have been provided at a distance of

approximately 500 meters on both sides.

Learned counsel for the petitioner contends that since the other passages are of the size of 7m x 4m, therefore, the petitioner cannot be discriminated.

On the other hand, learned counsel appearing for the respondents contends that as per the plan which has been prepared by the Experts, it is not possible to provide the passage with 7m x 4m dimensions.

Learned counsel for the petitioner, was repeatedly requested to draw the attention of the Court to any Rules or Regulations mandating the respondents to provide the passage of a particular height and width to each and every Farmer. He failed to draw the attention of the Court to this aspect. The National Highway Authority is a professionally managed statutory body having expertise in the field of development and maintenance of the National Highways. In absence of a right and a corresponding duty, no writ as prayed for can be issued.

In view thereof, the writ petition is disposed of.

All the pending miscellaneous applications, if any, are disposed of, in view of the above-stated order.

08.02.2021

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No