

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-13432-CWP-2020 IN/AND
CWP-31709-2018 (O&M)
Date of decision : 25.01.2021

Om Rice and General Mill and others

...Petitioner(s)

Versus

National Highways Authority of India and others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN
HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Chetan Mittal, Sr. Advocate,
with Mr. R.S. Madan and Mr. Mayank Aggarwal, Advocates,
for applicant/respondent No.1.

Mr. Atul Gaur, Advocate,
for Mr. Sumeet Goel, Advocate,
for the non-applicant/petitioners.

Mr. Raman K. Sharma, Addl.A.G., Haryana,
for respondent No.3.

JITENDRA CHAUHAN J. (ORAL)

The matter has been taken up through video-conferencing in the
light of the pandemic COVID-19 situation and as per instructions.

The instant application bearing CM-13432-CWP-2020, has
been filed seeking modification of order dated 02.12.2020, or in the
alternative, for clarification with regard to grant of time to vacate the
premises in question.

Learned counsel for the applicant states that the Award has been

passed on 18.12.2018 and the amount stands already deposited. As the petitioners are not vacating the land in question, it has stalled the construction work of the fly-over, which is so essential for the public at large and has further stalled the progress of the *Bharat Mala* project. The cost of construction is also escalating on account of the delay.

Learned counsel for the non-applicant/petitioners states that he would vacate the land in question by 30.04.2021.

The prayer made by learned counsel for the non-applicant/petitioners is unreasonable. The writ petition was filed on 10.12.2018 and despite the best efforts of the respondents, they are not able to get the possession of the land. The petitioners very well knew about the upcoming project and sufficient time has elapsed since then. Respondent No.1 had also approached Hon'ble the Supreme Court in SLP(C) Nos.803-804/2021 against the interlocutory orders passed by this Court in the instant CM application, wherein, Hon'ble the Supreme Court, while disposing of the petitions vide order dated 20.01.2021, has taken a view that as the matter is coming up before this Court on 25.01.2021, this Court may take a decision and fix a date for vacation of the premises.

Therefore, we direct the petitioners to hand over the possession of the land in question to respondent No.1, on or before 28.02.2021.

CM application is disposed of, accordingly.

At this stage, learned counsel for the non-applicant/petitioners states in view of the fact that the Award has already been passed, nothing survives in the main writ petition.

Keeping in view the statement made and the changed circumstances, the main case is taken up for hearing on today's Board with the consent of learned counsel for the parties; and is disposed of in the above terms.

(JITENDRA CHAUHAN)
JUDGE

(VIVEK PURI)
JUDGE

25.01.2021
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No