

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

123

CWP-12286-2022

Date of Decision: 02.06.2022

Jai Parkash

....Petitioner

Versus

The State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Ajay Jain, Advocate
for the petitioner.

Amol Rattan Singh, J.(Oral)

By this petition, the petitioner seeks a declaration that the action of the respondent-HSVP in utilizing the passage on the eastern side of his house, is wholly un-constitutional, illegal and arbitrary, as the petitioner was using the said land as a passage since times immemorial.

Mr. Jain submits that the land belonging to the petitioner on which his house now stands constructed, was in fact released from acquisition in the year 1998.

Upon query to him as to whom the land, as forms the said passage belongs to, he does not deny that it belongs to the respondent-Haryana Shehri Vikas Pradhikaran, but again submits that the usage thereof now cannot be changed by the Haryana Shehri Vikas Pradhikaran after so many years.

A site plan has also been annexed with the petition as Annexure P/2, a perusal of which shows that other than the passage running to the eastern side of the house of the petitioner, there is also a regular road (seemingly a metalled road as per the photograph Annexure P/3), running on the southern side of the house of the petitioner, from which, obviously, he would have easy access to his house.

Consequently, it is not in issue whether the petitioner would have any right of easement qua that passage, for lack of any other access to his house.

Hence, simply because the respondents have decided to utilize the land many years after it was acquired, with the land undoubtedly belonging to them, we see no ground to entertain this petition, which is consequently dismissed *in limine*.

(AMOL RATTAN SINGH)
JUDGE

02.06.2022
Varinder Prashad

(LALIT BATRA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No