

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

CWP No.11844 of 2018
Date of decision: 31.03.2022

Parkash Nath and others

...Petitioners

Vs.

Union Territory, Chandigarh and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Vijay Lath, Advocate,
for the petitioners.

Ms. Madhu Dayal, Advocate,
for respondent Nos.1 to 4.

Mr. Gagandeep Wasu, Advocate,
for respondent No.5.

Ritu Bahri, J. (Oral)

Petitioners are seeking direction to the respondents to exempt the land of passage existing in Khasra No.21//10/16/1, 55, 38/2, 36/2 and 39, with width of 11 feet, which has been acquired vide notification dated 27.09.2006 (Annexure P-1) under Section 4 of the Land Acquisition Act and shown in yellow colour in site map (Annexure P-9).

Learned counsel for the petitioners, while referring to the site maps (Annexure P-9 and P-10), states that a wall is being constructed, which blocked the passages of the petitioners to go to their houses. He further states that the petitioners have been using the said passage since the construction of their houses. A wall is proposed to be constructed by the Housing Board, which is shown in red colour in the site map (Annexure P-10).

In response to this petition, reply dated 14.07.2019 on behalf of respondent Nos.1 to 4 has been filed. Along with the reply, respondents have placed on record layout plan (Annexure R-1/2), which shows that a separate passage has now been provided for the use of the petitioners. Learned counsel for respondent Nos.1 to 4 further states that the acquired vacant land, which has now been proposed to be segregated as reflected in Annexure P-10, will be utilized for some other purpose and the petitioners' ingress has been allowed from other side, from where, they can enter their houses.

Learned counsel for the petitioners states that after construction of the wall, there will be problem of drainage in rainy season and water will be accumulated.

In case, the petitioners face any problem during rainy season, they can make a representation to respondent No.3, who will look into the same.

Accordingly, the present petition is disposed of by giving liberty to the petitioners to make a representation before respondent No.3 within a period of 15 days. In case, the representation is filed within the said period, then respondent No.3 will decide the same in accordance with law within next three months.

(RITU BAHRI)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

31.03.2022
ajp

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