

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

CWP-21371-2018 (O&M)

Date of decision: 04.03.2022

Gurmit Singh and others

....Petitioners

Versus

Union of India and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Naresh Kaushal, Advocate for the petitioners

Mr. Pradip Bhandari, Advocate for NHAI

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

The petitioners pray for issuance of a writ in the nature of Mandamus to direct the respondents to acquire the remaining land of the petitioners which has been taken over and utilized for constructing a road. It is the case of the petitioners that although their land measuring only 5 biswas has been acquired, however, the possession of their entire land i.e 7 biswas has been taken over for utilization of the road. The petitioners rely upon a demarcation report in this regard.

Sh. Pradip Bhandari, Advocate, representing NHAI has submitted that if due to any error, the remaining land measuring 2 biswas belonging to the petitioners has been utilized for construction of the road, the National Highways Authority of India would start the process of acquiring the land, provided the officials of the National Highway Authority of India are satisfied that in fact, excess land, than the

acquired land, has been utilized. He submits that let the revenue officials, in the presence of the officials of the NHAI, re-demarcate the area.

Keeping in view the aforesaid facts, the writ petition is disposed of by directing the Deputy Commissioner, Mohali, to depute Tehsildar of the area to re-demarcate the land. Let demarcation be carried out on 14.03.2022 at 11:00 A.M. It shall be the responsibility of the learned counsel representing NHAI to depute a responsible officer to supervise the demarcation. If on demarcation, it is found that the stand of the petitioners is correct, the NHAI/UOI shall start the acquisition proceedings within one month from the date of the report.

Disposed of in abovesaid terms.

All the pending miscellaneous applications, if any, are also disposed of.

04.03.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE