

107

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.12310 of 2020
Date of decision : 05.09.2023

Mandeep Singh and another Petitioners

Versus

State of Punjab and others Respondents

CWP No.17224 of 2020 (O&M)

Mandeep Singh Petitioners

versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ravish Bansal, Advocate
for the petitioners in CWP-12310-2020.

Mr. Nakul Sharma, Advocate
for the petitioner in CWP-17224-2020.

Ms. Akshita Chauhan, DAG, Punjab.

RAJESH BHARDWAJ, J.

This order shall dispose of abovesaid two petitions which are interconnected and arising out of the same cause of action.

Present writ petitions have been filed for issuance of a writ in the nature of mandamus directing the respondents to immediately stop the construction of New Link to Ring Road-1 from ITI Chowk to Bathinda Patiala Railway Line, falling within the municipal limits of Bathinda and

to refrain from acquisition of land either through law or by private negotiations in Khasra Nos.3703 and 3704 falling within the revenue estate of Patti Mehna, Hadbast No.70, Tehsil and District Bathinda and from making any payment either as compensation or sale consideration to any person regarding the land acquired or purchased for construction of aforesaid road till their proper and lawful demarcation on the spot and final disposal of pending litigation qua said land as the petitioners are co-sharers in said land but the respondents are constructing road thereon without acquiring or purchasing the land from the petitioners and without payment of any compensation or sale consideration to them. Further prayer has been made directing the respondents to purchase or acquire the land required for road construction from aforesaid Khasra Nos.3703 & 3704 from the petitioners as well according to their lawful share/co-ownership in said land and also to pay them the sale consideration/compensation accordingly as per their share like other co-sharers and for conducting of a Court monitored demarcation of aforesaid Khasra Nos.3703 & 3704 and the land earmarked for said road as per the rules and instructions framed by learned Financial Commissioner, Punjab as well as this Court by some higher state level official of the revenue department in presence of the Local Commissioner appointed by this Court and further directing the respondents to expeditiously consider and decide representation dated 04.08.2020 and 28.09.2020 and many other representations submitted by the petitioners to the respondents.

Notice of motion was issued and the State was directed to file the reply.

In response to the same, the State has filed its reply.

Learned counsel for the petitioners have raised various grievances including that the petitioners have been victimized by acquisition of their land without carrying out any demarcation and without paying any compensation.

However, learned State counsel has submitted before this Court that land of the petitioners had not been acquired and fresh demarcation has also been done. To substantiate the stand of the State, she filed the demarcation report dated 30.08.2023 by way of an affidavit of Er. Kulbir Singh Sandhu, Executive Engineer, Provincial Division, PWD B&R Bathinda. She has drawn the attention of this Court to the demarcation report filed and submitted that the precise grievance raised by the petitioners was regarding the acquisition of their land without demarcation, which was carried out earlier also and now fresh demarcation has also been carried out. She submits that the Additional Deputy Commissioner, Bathinda inspected the spot and found that work had been completed and as such there was nothing is to be done on the land of the petitioners.

Learned counsel for the petitioners, however, submit that demarcation report is factually incorrect.

After hearing learned counsel for the parties and perusing the record, it is apparent that these petitions have been filed primarily for

demarcation of land and as per the reply, the demarcation has already been carried out and on the inspection of the spot by the Additional Deputy Commissioner, the work done has been found to be in accordance with law.

However, learned counsel for the petitioners have raised the argument regarding the correctness of the demarcation report besides other issues.

The contentions raised are totally the disputed question of facts which cannot be adjudicated in the writ jurisdiction and the same needs to be adjudicated by the appropriate competent authority.

Accordingly, both the petitions are disposed of with liberty to the petitioners to avail their alternative remedy for the redressal of their grievances in accordance with law. In case the petitioners file any petition before the competent authority, the same would be dealt with and decided by the concerned Authority in accordance with law.

05.09.2023

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(RAJESH BHARDWAJ)
JUDGE

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