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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision : April 19, 2023

RAVINDER SINGH AND OTHERS

-Petitioner

V/S

UNION OF INDIA AND OTHERS

-Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Naresh Kaushal, Advocate
for the petitioners.

Mr. Maninder Singh, DAG, Punjab.

Mr. R.S. Madan, Advocate with
Mr. Mahender Joshi, Advocate and
Mr. Nanvi Gupta, Advocate
for the respondent No.3- NHAI.

SURESHWAR THAKUR, J.(ORAL)

1. The petitioners contend in the writ petition, that their lands are amenable for becoming acquired, by the competent authority concerned. However, the said submission would become well rested, only when the petition lands, were occurring in the notification for acquisition, as became issued by the competent authority.

2. In the above regard, it is fairly stated at the bar, by the learned counsel appearing for the respondent concerned, that in the acquisition notification, the petition lands are not mentioned. Therefore obviously, there cannot be any mandamus made upon the respondent concerned, to proceed to yet acquire the petition lands, as it is within the realm of the objective satisfaction of the authority concerned, to draw an inference, about the

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necessity of acquisition, for a public public, of any land(s), of private landowners concerned. However, it is further stated at the bar, by the learned counsel for the respondent concerned, that the Department concerned, did require the makings of acquisition of the petition lands, yet, it is further stated at the bar by him, on instruction imparted to him by the Department concerned, that the petition lands, after demarcation, have been found to be lands not owned by the petitioners, rather, they fall to the ownership of the government.

3. In the light of the above, the petitioners' claim for a mandamus being made, upon the respondents concerned, to put to acquisition the petition lands, but on the premise that the same is, as stated at the bar, by the learned counsel for the respondent concerned, rather necessitated to become put to acquisition, cannot be accepted, nor also at this stage, a mandamus can be passed against the respondent concerned, to thereafter, ensure that a lawful award, determining compensation, in respect of the petition land hence is made by the competent authority.

4. Be that as it may, demarcation, if any, which has been conducted of the petition lands, by the competent revenue officer concerned, and, which but discloses, that the petitioners do not hold any ownership of the petition lands, rather the ownership thereof, is of the government concerned, thereupon the department concerned may proceed to draw appropriate motion, in accordance with law, before the competent statutory authority, seeking the eviction of the petitioners from the disputed lands. On such a motion being laid, before the authority concerned, thereupon the authority concerned shall make a lawful decision thereon, but, after hearing all affected persons concerned, and, positively within six months of its preferment. In case, the

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department concerned fails in securing an order, favorable to it, from the Collector concerned, thereupon it may proceed to take steps for ensuring that a notification for acquisition of the petition lands, becomes issued, and thereafter, may also proceed to, in accordance with law, ensure that a lawful determination of compensation is made, in respect thereof, by the competent authority concerned.

5. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

April 19, 2023
devinder

(KULDEEP TIWARI)
JUDGE

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