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

CWP-25009-2013

Date of Decision: December 20, 2023

Bhupinder Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Sanjiv Gupta, Advocate
for the petitioner.

Ms.Akshita Chauhan, Deputy Advocate General, Punjab.

.....

RAJESH BHARDWAJ, J.(ORAL)

Petitioner has approached this Court praying for issuance of direction especially in the nature of certiorari/mandamus directing the respondents to remove the encroachment from the land of the petitioner comprised in Khasra Nos.84//4-7 towards West 15/1, 16, 20/2, 21/1 about 6 karams towards Western side, Kh.No.96//1-9/2-18/2 to the extent of about 7 karams towards western side, Kh.No.101//4 to the extent of 7 karams approximately towards western side Kh.No.83//21/1 over which the road is being carved out without taking into consideration the mandate of law and further for issuance of a writ in the nature of prohibition thereby restraining the respondents from further encroachment on the land in question without payment of compensation and without giving the alternate land or issue any other direction which this Court may deem fit.

Pursuant to the notice issued, State filed the reply, dated

Construction Division PWD B&R Branch Patiala, on behalf of respondent No.2. Learned State counsel, on the basis of the affidavit, has submitted that in lieu of compensation, the petitioner has been given land, linked with the road which is in existence since 1974. She also submits that earlier demarcation of the land was conducted but the same was done in the absence of the PWD Department. She has further submitted that mutation of the land, which has been given to the petitioner, has also been recorded in his name, which has been placed on record as Annexure R-1, alongwith the reply. She further submits that in view of the same, grievance of the petitioner is redressed and hence the present petition is rendered infructuous and may be disposed of as such.

However, learned counsel for the petitioner has submitted that exchange of the land, as has been done by the State, is unilateral and not with the consent of the petitioner and thus, he is not satisfied with the exchange of the land. He submits that the petitioner deserves to be granted compensation or the land at one place so that he can utilise the same.

However, on hearing the learned counsel for the parties, it is apparent that prayer made in the petition has been met by the State as instead of compensation, not only the land has been given to the petitioner but mutation of the same has also been entered in his name.

Hence, the present petition is disposed of as infructuous. However, grievance of the petitioner is that he is not satisfied with the same, is also appreciated and hence petitioner would be at liberty to avail his remedies as available to him regarding the land allotted to him and if the petitioner files any representation regarding the same before the competent

authority within two weeks from the date of receipt of a certified copy of this order, the same would be considered and decided by the competent authority expeditiously preferably within six months from its receipt in accordance with law

December 20, 2023

(RAJESH BHARDWAJ)

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JUDGE

- 1. Whether speaking/reasoned ?
- 2. Whether reportable ?

Yes/No
Yes/No