

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

CWP-19133-2022

Date of Decision: 24.01.2023

Arun Jain and others

.....Petitioners

Vs.

**Haryana State Industrial and Infrastructure Development
Corporation and others**

.....Respondents

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. V.K. Jindal, Senior Advocate, with
Mr. Samar P.S. Ahluwalia, Advocate, for the appellants.

Ms. Kushaldeep Kaur, Advocate, for the respondent-HSIIDC.

G.S.SANDHAWALIA, J. (ORAL)

The present petition has been filed seeking a writ in the nature of '*mandamus*' directing the respondents to make a provision for a 'Right of Passage' through the land acquired by respondent No. 1 in Village Fazilwas, Tehsil Manesar, District Gurugram. The acquisition was for the purpose of setting up the Industrial Model Township (IMT) at Manesar and the prayer made is on account of the fact that the land of the petitioners became landlocked and the respondents have started making peripheral boundary wall around the acquired land. Resultantly, the passage/'*Rasta*' is sought from the service lane of the National Highway-8 to the land owners.

Apparently, the petitioners had made a representation dated 15.02.2022 (Annexure P-8), wherein they have put forth their grievance that they do not have any access to their unacquired land.

We have also perused the site plan which has been annexed as Annexure P-5.

A perusal of the same would go on to show that the land of petitioners No. 1 and 2 have been shown in the Green colour and the acquired land shown in Orange colour, was abutting the highway which is in front of the Green portion. Similarly, the land of petitioner No. 3 shown in Yellow is shown at the back and the acquired land of the said petitioner is shown in Blue which was again towards the highway. Apparently, from the said site plan, it is also *prima facie* clear that there is no approach to the Green and Yellow portion of the unacquired land of the the petitioners.

In such circumstances, we are of the considered opinion that there is some substance in the representation.

Accordingly, let the competent authority take a decision on the said representation and also consider by taking the averments made in this petition, within a period of 03 months from the receipt of the certified copy of this order by passing a speaking order.

This Court had protected the interest of the petitioners on 31.08.2022 that the '*Kacha Rasta*' be not blocked which is being used by the petitioners.

Accordingly, the said protection shall continue till the decision on the said representation.

The petition is accordingly disposed of.

(G.S. SANDHAWALIA)
JUDGE

January 24, 2023
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking

Yes

Whether Reportable

No