

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

(118

**CWP-17974-2023
Decided on : 22.08.2023**

Sher Singh and others

.....Petitioner(s)

Versus

Union of India and others

.....Respondent(s)

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

Present: Mr. Mazlish Khan, Advocate for the petitioner (s).

Mr. R.S. Madan, Advocate for the respondent-NHAI.

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition filed under Article 226/227 of the Constitution of India is to the show cause notice dated 07.07.2023 (Annexure P-4) which has been issued for removal of unauthorized occupation which has been taken at KM. 168.515 on the highway comprised of area of Rohtak to Hisar section of NH-9 (Old NH-10). The landowners have been asked to remove the unauthorized occupation and to make a representation within 3 days against notice and proceedings were deferred for 11.07.2023.

2. Admittedly the petitioners have submitted a representation dated 22.07.2023 (Annexure P-9) wherein various objections have been taken as to the fact that there is space available and there is no need to break shops for constructing the service lane along the National Highway.

3. The grouse of the counsel for the petitioner was that no specific order has been passed on the show cause notice and action is being taken without passing specific order.
4. We have perused the provision as laid down under Section 26 (6) of the Control of National Highway (Land and Traffic) Act, 2002, which itself provides power to impose penalty on the person who is in unauthorized occupation.
5. Resultantly, we are of the considered opinion that respondent-authority is bound to pass a specific order on the show cause notice which has been served after taking into consideration the representation which has been received (Annexure P-9). Needles to say that if the highway is being blocked by the petitioners and they are in unauthorized occupation expeditious steps may have to be taken by the concerned authority to ensure that there is free flow of traffic.
6. Accordingly, we dispose of the present writ petition by directing the respondents to take a decision on the show cause notice in accordance with law.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

22.08.2023
Naveen

Whether speaking/reasoned :	Yes	
Whether Reportable :		No