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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-27232-2022

Date of decision:01.08.2023

MRS. PARSINDERJIT KAUR DHALIWAL THROUGH HER POWER
ATTORNEY HOLDER S. AJITPAL SINGH SANDHU

...Petitioner

Versus

UNION OF INDIA AND ANOTHER

...Respondents

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

Present: Mr. A.S. Narang, Advocate and
Ms. Manpreet Kaur, Advocate
for the petitioner.

Mr. R.S. Madaan, Advocate for NHAI

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner claims on the anvil of demarcation report (Annexure P-4), as appended to the writ petition, whereby the respondent(s) concerned, have purportedly utilized, and, also is in possession of the writ lands. Resultantly, a prayer is made before this Court, that a mandamus be issued, upon the respondents, to put the said parcel(s) of lands to lawful acquisition.
2. Since a reading of the demarcation report, appended as Annexure P-4 to the writ petition, though supports the above made submission before this Court. Nonetheless, the said demarcation report appears to be made, thus without associating the presence of the authorized representative of the respondent concerned, whereas, the elicitation of the presence of the authorized person of the respondent concerned, thus at the time of commencement of the demarcation proceeding, was but imperative, then rather to assign credence thereto.

3. Therefore, the instant writ petition but anived on Annexure P-4, is at this stage completely mis-constituted. However, the learned Collector of the district concerned, is directed to forthwith appoint an empowered Revenue Officer concerned, to hold a valid demarcation of the disputed lands, but prior thereto an intimation shall be given to the petitioner/landowner(s), and, also to the authorized representative of the respondent concerned. If in the demarcation report it is found, that the petitioner's land measuring 13 Biswas, thus has been utilized or is in possession of the respondent concerned, thereupon a mandamus is made upon the respondent concerned, to forthwith launch lawful proceedings for acquiring the said land.

4. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

01.08.2023

Ithlesh

(KULDEEP TIWARI)
JUDGE

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