

2024:PHHC:145594



IN THE PUNJAB AND HARYANA HIGH COURT AT  
CHANDIGARH.

212

CWP-5697-2019 (O&M).  
Date of Decision: 07.11.2024.

HARINDER AND OTHERS

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. R.S. Malik, Advocate,  
for the petitioners.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Indresh Goyal, Advocate,  
for respondent No.6/Union of India.

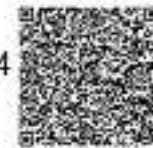
Mr. Rishi Kaushal, Advocate, for respondent No.8-  
National Highways Authority of India

VINOD S. BHARDWAJ, J. (ORAL)

The solitary dispute brought before this Court is for providing passage to the fields of the petitioners which stands blocked on account of construction of the railway line, leaving them with no alternative.

2 Learned counsel for respondent No.6-Railways contends that they have no objection to the same and that they have already approached

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the respondent-State of Haryana, through the Collector, for identifying an appropriate alternative passage to be provided to the land owners (if there is no passage available) and that they are ready and willing to bear the statutory costs for any such arrangement that may be required to be made, however, no action on such requests has been taken by the District Administration.

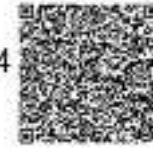
3            Learned counsel for State of Haryana contends that they would have no objection to take appropriate steps in identifying the access for the petitioners to their land in a time bound manner, if no such passage is available.

4            Learned counsel for respondent-National Highways Authority of India submits that there is no act or omission on its part that may have caused any impediment to the access/passage of the petitioners to their land since it has constructed an elevated corridor.

5            In view of the consented stand of the respondent-Railways as well as the State of Haryana, which is also accepted by the counsel for the petitioners, the present petition is disposed of with the following directions:-

- (i) That the Deputy Commissioner, Sonipat, shall constitute a Committee headed by an official not below the rank of the District Revenue Officer to conduct a survey and to determine as to whether any passage is available to the petitioners to access their fields or not. Let the said exercise be undertaken by the Committee within a period

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of 04 weeks of the receipt of a certified copy of this order;

- (ii) The aforesaid Committee shall also associate a representative of Railways for which an authorization shall be communicated by respondent No.6-Railways to the Deputy Commissioner, Sonipat, within a period of one week of receipt of a certified copy of this order;
- (iii) In the event of said Committee reporting that there is no alternative passage available to the petitioners to access their fields, the said Committee shall make appropriate recommendations for an alternative passage to be provided to the petitioners to access their respective fields. The Committee shall also compute the costs for such an alternative passage. Let the aforesaid assessment be undertaken by the said Committee within a period of two months thereafter; and
- (iv) The costs so assessed by the above said Committee shall be deposited by respondent No.6-Railways, with the office of District Revenue Officer within a period of two months thereafter.

6            On deposit of said cost, the alternative passage shall be made available to the petitioners within a period of two month thereafter, as per

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law and without prejudice to any other rights of the land-owner to seek enhancement, which shall also be provided for by the Railways.

7           It is made clear that in case the entire exercise is not completed within the time span as prescribed above, the respondent No.6-Railways or the Committee, that caused such delay shall be liable to pay a cost of Rs.1,00,000/- (Rupees One Lakh) per month to be deposited with the District Legal Services Committee, Sonipat. The aforesaid amount shall be kept in an escrow account and the District Legal Services Committee, Sonipat shall take steps to assess the loss and to pay compensation to the farmers for the period of such delay. The remainder of the amount shall be utilized by the District Legal Services Committee, Sonipat. The cost of delay may be recovered from the erring officers who had occasioned such delay, as per law.

8           The present petition stands disposed of accordingly.

9           Pending misc. application(s), if any, shall also stand(s) disposed of accordingly.

**November 07, 2024.**  
**raj arora**

**(VINOD S. BHARDWAJ)**  
**JUDGE**

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