

In the High Court of Punjab and Haryana at Chandigarh

(121-1)

**CWP No. 6395 of 2024
Date of Decision: 29.4.2024**

Balwinder Kaur and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Dheeraj Mahajan, Advocate
for the petitioners.

Mr. Maninder Singh, Sr. DAG, Punjab.

Mr. Rishi Kaushal, Advocate
for the respondent-NHAI.

SURESHWAR THAKUR, J. (ORAL)

1. Though, in the impugned order, it has been stated that since for want of requisite Change of Land User permission becoming asked for nor it becoming granted to the present petitioner, thereby in respect of the said unauthorized constructions, there was no requirement of any compensation becoming determined by the Collector concerned. However, a reading of the the impugned order (Annexure P-8) reveals, that without considering any material, more importantly the one relating to whether in the zone concerned, there was any requirement for any CLU becoming asked for or being granted to the present petitioner, yet a summary conclusion becoming made, that for want of the requisite CLU being asked for nor it becoming granted, thereby the said constructions raised on the acquired lands, prima facie do not require, any compensation becoming assessed by the Collector concerned. Consequently, prima facie, thereby the present petitioners have been denied an opportunity to claim that they were entitled to determination of compensation in respect of the

such purported lawful constructions existing over the subject lands.

2. Consequently, the instant petition is disposed of with a mandamus, upon the competent authority concerned, who drew Annexure P-8, to after giving an adequate opportunity of hearing to all the affected persons concerned, to in terms of all the relevant statutory provisions, lawfully re-decide whether the classification assigned to the subject lands in the revenue records as agricultural lands, was a validly assigned classification, whereas, in the wake of some constructions existing over the subject lands, it was to be described as commercial.

3. Pending application(s), if any, is/are also disposed of.

(SURESHWAR THAKUR)
JUDGE

(LALIT BATRA)
JUDGE

April 29, 2024
Gurpreet

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