



CWP-12879-2024

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

CWP-12879-2024**Date of decision: 28.05.2024**

Mukta Sharma and another

....Petitioners

Versus

Union of India and other

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Bharat Julka, Advocate,
for the petitioners.

ARUN PALLI, J. (Oral)

Learned counsel for the petitioners submits that petitioners happen to be the owners of land measuring 2 kanal 13 marla (9/217), village Aawa, Tehsil and District Fazilka, Punjab, which is situated at Board road near railway crossing. Further, he submits that petitioners had constructed boundary walls on all four sides of their land, which have been demolished by M/s Vijay Kumar, Contractor (respondentNo.6), under the authority of the National Highways Authority of India. He asserts that a flyover is being constructed, per the site plan appended with the petition as Annexure P-12. And, as a result, without any right, power or authority, not only the construction raised by the petitioners has since been demolished, but their land is also being used as a passage by the respondents, without any formal acquisition or payment of compensation. It is urged that petitioners, in the given circumstances, were choice-less, but to serve the respondent authorities with a legal notice dated 06.04.2024. However, even though a considerable has elapsed, but their grievances remain unaddressed.

Served with the advance copy of the petition, Mr. Vipin Pal Yadav, learned Additional Advocate General, Punjab, is present in Court on behalf of the respondent-State. At the outset, he, on instructions,



submits, for the Deputy Commissioner, District Fazilka (respondent No.5), is also alleged to have been served with the legal notice (*ibid*), it would be expedient if the petition is disposed of, at this stage, to enable him to consider and pass necessary orders on the said legal notice, in accordance with law. Further, he submits that before any such orders are passed, the petitioners shall be heard. And a formal communication, in this regard, shall be issued to them, well in advance.

Learned counsel for the petitioners is in agreement with the course suggested by learned State counsel and submits that let this petition be disposed of, in terms of the statement made by him. However, it is urged that the authorities be directed to do the needful, within a specified time.

In response, learned State counsel submits that appropriate orders shall be passed within a period of eight weeks from today.

The petition is accordingly disposed of, in terms of the statements made by learned counsel for the parties.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders shall be passed within the time indicated by learned State counsel.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

28.05.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No