



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.14996 of 2018 (O&M)
Date of Decision: 12.09.2024

Dhanpal

.....Petitioner.

Versus

State of Haryana and others

.....Respondents.

CORAM: *HON'BLE MR. JUSTICE G.S. SANDHAWALIA*
 HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Sumeet Jain, Advocate
 for the petitioner.

Mr. Ankur Mittal, Addl. A.G, Haryana with
Mr. Saurabh Mago, DAG, Haryana
for respondent No.1-State.

Mr. Raghujeet Singh Madan, Advocate
for respondent No.2.

Mr. Ankur Mittal, Advocate with
Ms. Kushaldeep K. Manchanda, Advocate and
Mr. Siddhant Arora, Advocate
for respondent No.3-HSIIDC.

G.S. SANDHAWALIA, J.(Oral)

Claim of the petitioner in the present petition filed under
Article 226/227 of the Constitution of India is for issuance of a direction to
the respondent-State to acquire the petitioner's land comprised in Khewat
No.173, Khatoni No.220, Rectangle No.12, Killa No.1/1 (2-0), situated



within the revenue estate of Village Mohammadpur Jharsa, District Gurugram, as the same has been rendered useless for want of path. The alternative prayer is made for issuance of direction to the respondents to provide a path to the land of the petitioner, as detailed in the heading of the writ petition.

2. While issuing notice of motion vide order dated 01.06.2018, status-quo regarding the passage was ordered to be maintained. The claim of the petitioner is that his land was released from acquisition as per the notification dated 28.01.2004 issued under Section 6 of the the Land Acquisition Act, 1894 (for short ‘the Act’), which was in pursuance to the notification dated 29.01.2003 issued under Section 4 of the Act, whereby development was sought to be done at Village Mohammadpur Jharsa, District Gurugram for planning and development of Special Economic Zone. It is the case of the petitioner that the paths connecting his land were acquired vide the above-said notification under Section 4 of the Act and it is in these circumstances, he has approached this Court.

3. The respondent-State, in its reply, has submitted that Rasta No.94, 131 and 132 stood acquired vide the Award in question dated 27.01.2006. It has, thus, been averred that the matter has been re-examined and Rasta No.94 to which the petitioner is claiming connectivity forms part of Global City Project and it would not be feasible to give connectivity from the said Rasta. The proposal has been made to provide access of 2 Karam width equal to the width of Rasta No.94 to the land of the petitioner falling in the said Khasra number leading to 60 meter wide proposed road.



The following conditions are sought to be imposed:

- (i) *Ownership of proposed access/passage will remain with HSIIDC*
- (ii) *The proposed access/passage will be used as rasta only and no other land use shall be permissible, whatsoever.*
- (iii) *Re-routing of rasta in future, will not be objected by the petitioner.*
- (iv) *Petitioner will withdraw pending case before any Court of law.*

4. The Shazra plan and also the lay-out plan showing the land of the petitioner and proposed Rasta for providing connectivity has been annexed as Annexures R-3/2 and R-3/3. It has been clarified that there is no house existing on the land in question and the same is lying vacant.

5. Mr. Mittal has, today, also placed on record the communication dated 06.09.2024 of the respondent-HSIIDC addressed to the petitioner which is on the same terms and conditions, whereby he has been asked to visit their office on 09.09.2024 at 11.00 AM, so that the Rasta for his land passing through HSIIDC land as approved by the competent Authority, may be shown to him at site.

6. Keeping in view the above, we are of the considered opinion that the State is taking effective steps towards the alternative relief, which is being claimed by the petitioner. The only issue to which the counsel for the petitioner has, now, pressed that the Rasta be provided to the petitioner within some fixed time frame.



7. Thus, keeping in view the above, we are of the considered opinion that it would be appropriate that if the petitioner complies with the said conditions as imposed, and the Rasta be provided within a period of three months from the date of receipt of certified copy of this order.

8. Resultantly, the present petition is disposed of. All the interim orders stand vacated.

(G.S. SANDHAWALIA)
JUDGE

September 12, 2024
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

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