

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

223

CWP-22663-2019

Date of decision: 20.01.2024

SHAMBHU DAYAL AND OTHERS

.....Petitioner

VERSUS

UNION OF INDIA AND OTHERS

.....Respondents

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

Present:- Mr. Harsh Aggarwal, Advocate and
Mr. Aseem Aggarwal, Advocate
for the petitioner.

Ms. Neha Sharma, Advocate
for the respondent No.1-Union of India.

Mr. Vivek Singla, Advocate
for respondents No.2 and 3.

Mr. Pankaj Mulwani, DAG, Haryana
for respondents No.4 and 5.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present writ petition is for directing the respondents to provide Road under Bridge under the Western Dedicated Freight Corridor on road No. R-188 passing through Village Kaluwas, District Rewari for the use of the residents.

2. The petitioners No.1 and 2 are residents of village Kaluwas and petitioner No.3 is a resident of Village Gindokhar, Block Rewari, District Rewari have approached this Court averring that they are owners of more than 100 acres of land in the revenue estate of village

Gokulgarh since aegis of their forefather and involved in the agriculture business. A straight regular passage of 38'-6" had been passing through village Kaluwas from Rewari to Gindokhar and was used for taking their agriculture purpose. It is contended that the respondent-Railways issued a Notification under Section 20-E of the Indian Railway (Amendment) Act, 2008 for construction of Western Dedicated Freight Corridor (WDFC). The length of the Corridor was around 4 kilometers having around 33 flyovers and 200 road under Bridge (RUB). The respondent-Railway has stopped the Revenue Rasta demarcated as R-188 whereby the residents has no access to approach their fields. It is contended that even though a under Bridge is provided at a separate location, however, there is no passage to enable the petitioners to travel to the Road under Bridge at earlier Rasta Khasra No. 202 since it is a distance of 90 meters.

3. The written statement on behalf of respondents had been filed in November, 2019 wherein it was specifically averred that the acquisition in question was done in the year 2010 by the Railways and that the petitioner is inclined after a lapse of merely 09 years. It is further contended that the underpass for facility of the petitioners is being constructed on a Bitumen Metaled Road R-202 and the distance between the metaled road and Kutcha rasta is about 120 meters. The exact position has also been reflected through a site plan Annexure R-1. It is thus contended that the an access has already been granted below the Western Dedicated Freight Corridor (WDFC).

4. No rejoinder/counter has been filed to the written statement despite the same having been filed in the year 2019. Hence, the

position has remained undisputed and uncontroverted.

5. Since a passage to the access under the road under-bridge has already been provided, the grouse of the petitioner stands redressed. The present writ petition is accordingly disposed of as having been rendered infructuous.

(VINOD S. BHARDWAJ)
JUDGE

JANUARY 20, 2024

Vishal sharma

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