



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

122

CWP-34070-2024**Date of Decision: 28.01.2025****Ravinder Pandey**

....Petitioner

Versus

Union of India and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Gaurav Datta, Advocate for the petitioner.

Mr. Vibhor Bansal, Senior Panel Counsel with
Mr. Ishank Bansal, Advocate
for respondent No.1 – UOI.

Mr. Maninder Singh, Sr. Deputy Advocate General, Punjab.

Mr. R.S.Madan, Advocate
Mr. Mahender Joshi, Advocate and
Mr. Aryan Bhardwaj, Advocate
for respondent No.2 – NHAI.

Mr. Dhiraj Chawla, Advocate
for respondents No.6 to 8.

Sureshwar Thakur, J. (Oral)

1. The present petitioner has claimed that despite co-respondents No.6 to 8, making unlawful excavation over the subject land, which have lawfully vested in the National Highway Authority of India, represented by Mr. Madan, Advocate, yet the competent authority, as envisaged under the relevant statute rather failing to draw appropriate actions upon/*viz-a-viz* co-respondents No.6 to 8.

However, today Mr. Madan, appearing on behalf of co-respondent No.2-NHAI, has placed on record a reply furnished by the said respondent, to the RTI application, wherefrom, it is discernible that as a matter of fact, no excavation activity has been carried out on the subject lands at the instance of respondents No.6 to 8. The relevant paragraph of the said response to the RTI application is extracted hereinafter:

S.No.	Query made by the RTI application	Reply to the application
(i)	Please supply me the information with regard to how much land comprised the land bearing NO.550 and 570 written on Flyover situated at Zirakpur-Panchkula adjacent to Railway Line and Pandecy Medical Hall, Dhakauli, Sub Tehsil-Zirakpur District S.A.S. Nagar (Mohali) and to supply information with regard to its width and length.	The information sought pertains to State Revenue Department and same may be obtained from the concerned Revenue Office/Authority.
(ii)	Please supply the information with regard to fact that can any private person raise construction over the said land of NHAI bearing No.550 and 570 situated at Zirakpur-Panchkula adjacent to Railway Line and Pandecy Medical Hall, Dhakauli, Sub Tehsil-Zirakpur District S.A.S. Nagar (Mohali) and to supply information with regard to its width and length.	No encroachment is permitted on NHAI Right of Way.
(iii)	And supply information that what steps have been taken by NHAI to remover the illegal and unauthorized construction from the land of NHAI bearing No.550 and 570 situated at Zirakpur-Panchkula adjacent to Railway Line and Pandecy Medical Hall, Dhakauli, Sub Tehsil-Zirakpur District S.A.S. Nagar (Mohali) and to supply information with regard to its width and length.	As per report submitted by the concessionaire, M/s Himalayan Expressway Limited of the project highway (Zirakpur-Parwanoo Section of NH-05) that there is no encroachment within NHAI Righth of Way at specific Location.

2. If yet the present petitioner has any remedy, thereupon, it is open to him to avail only the permissible civil remedies.

3. Disposed of accordingly with costs of Rs.30,000/- upon the petitioner to be forthwith deposited with the 'Punjab and Haryana High Court Bar Association'.

(SURESHWAR THAKUR)
JUDGE

(VIKAS SURI)
JUDGE

January 28, 2025
Varinder

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No