
(2012) 03 P&H CK 0201
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 11270 of 2009 (O and M)

Kuldip and Another

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 27-03-2012

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2012) 03 P&H CK 0201

Hon'ble Judges : Ajay Kumar Mittal, J

Bench : Single Bench

Judgement

Ajay Kumar Mittal, J.—The grievance of the petitioners in the present petition filed under Articles 226/227 of the Constitution of India is that the respondent department had started construction of Pucca Link Road in less than 5 Karams path and declaring non-feasible where path is less than 4 Karams, which according to the petitioners belongs to them. As per the averments made in the petition, the same was done without acquiring the land which is not legally permissible. Upon notice having been issued, reply on behalf of respondents No. 2 and 3 has been filed wherein it has been stated that the road is being constructed from village Kharak Jattan to village Lakhan Majra, District Rohtak which is 3 Karams wide adjoining to the land of the petitioners and 4 Karams wide thereafter. It has further been stated that no land of the petitioners is being used for the said purpose. A preliminary objection No. 1 has been raised wherein it has been so stated, which reads thus:

1. That the road from village Kharak Jattan to village Lakhan majra, Distt. Rohtak is being constructed on the existing katcha path, which is 3 karams wide adjoining to the land to the petitioners and subsequently 4 karams wide thereafter. No extra land is being taken for constructing the road in question and the existing passage is being made pucca as shown in road map in colour "Blue" (Annexure R/1) and Aks-Shijra (Annexure R/2). The proposed road in question is being constructed keeping in view the public interest and convenience

of the villagers and the farmers will be benefited so as take their agriculture produce to Mandi/Purchase centre as the proposed road will reduce the distance between the two villages considerably. As such the present writ petition is liable to be dismissed being misuse and abuse of the process of law.

2. In view of the above, learned counsel for the parties are ad idem that nothing survives in this writ petition and the same stands disposed of accordingly.