
(2012) 09 SHI CK 0047
In the High Court Of Himachal Pradesh
Case No : CWP No. 3455 of 2009

Mungla Devi through her General Power of Attorney Sh.
Devinder Singh

APPELLANT

Vs

State of Himachal Pradesh

RESPONDENT

Date of Decision : 12-09-2012

Acts Referred:

Citation : (2012) 09 SHI CK 0047

Hon'ble Judges : V.K. Ahuja, J

Bench : Single Bench

Advocate : J.S. Guleria, Assistant Advocate General, for the Respondent

Judgement

Justice V.K. Ahuja, J.—The petitioner has filed the present writ petition praying for the following relief"s:

12) That the petitioner apprehend that the respondents may delay the initiation of process of acquisition of the land of the petitioner, hence this writ petition.

13) That the respondents are required to initiate the acquisition proceedings with respect to the land of the petitioner as mentioned above, through which the road has already been constructed and complete the said process, as early as possible so that the petitioner is able to get due compensation of her land brought under the construction of the said road together with interest and damages.

In the reply filed by the respondents, the respondents have pleaded that the road was constructed under Pradhan Mantri Gramin Sadak Yojna for which there was no provision of acquisition of the land and the road is constructed by taking the consent of the land owners. It is also pleaded that the brother of the petitioner had given the consent at the time of construction of the road and in case the petitioner disputes this fact, he has to prove that no consent was given and he was entitled to the compensation, if any. It was also pleaded by the respondents that the road was constructed by the Rural Development Panchayati Raj Department which is not a party to the present petition.

2. No directions can be given to the respondents to acquire the land and the relief in question can not be granted in favour of the petitioner for the reasons given above. The petition stands disposed of accordingly., so also the pending miscellaneous application(s), if any.