

(2023) 09 SHI CK 0071
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 3160 Of 2023

Premu And Another

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 28-09-2023

Acts Referred:

Citation : (2023) 09 SHI CK 0071

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Jagan Nath, Rupinder Singh, Pushpender Jaswal, Ranjana Patial, Sumit Sharma, Rajat Chauhan

Final Decision : Disposed Of

Judgement

Ajay Mohan Goel, J

1. The grievance of the petitioners herein is that in the course of the construction of "Chai Ka Dora to Taleli Road" in the year 1992-93, though their land comprised in Khewat No. 68/60 min, Khatouni No. 82/82 min, Khasra No. 160, measuring 04-08-08, Khasra No. 211, measuring 02-14- 0 and Khasra No. 217, measuring 05-03-16, situated in Mohal Nalag, Sub Tehsil Dehar, District Mandi, H.P., was utilized but till date no compensation has been paid to them.
2. The stand of the State is that the road in question was constructed on the persistent demand of the people of the area and persons including the petitioners as well as their predecessors-in-interest voluntarily came forward to offer land freely for the purpose of construction of said road.
3. Having heard learned counsel for the parties, as it is not in dispute that the land of the petitioners indeed has been utilized by the State for the purpose of construction of road in issue and as the stand of the State that the land was voluntarily given to the State either by the petitioners or their predecessors-in-interest has not been substantiated by placing any cogent material on record, therefore, this petition deserves to be allowed.

4. At this stage, learned counsel for the petitioners has submitted that the Hon'ble Coordinate Bench of this Court in CWP No. 2948 of 2023, titled as Manbhari & Ors., vs. State of H.P. & Ors., decided on 19.09.2023, has been pleased to allow the writ petition filed by a person similarly situated as the present petitioners, whose land was also acquired for the purpose of the construction of the same stretch of road. This fact could not be disputed by the State.

5. Accordingly, this writ petition is disposed of with the observation that the directions as has been passed by the Hon'ble Coordinate Bench in CWP 2948 of 2023 (supra) shall be read to have been passed mutatis mutandis in the present petition also and the respondents are directed to initiate proceedings to acquire the land of the petitioner within a period of four weeks from today and complete the process, as expeditiously as possible, and preferably within a period of two months from today.

6. Pending miscellaneous application(s), if any, also stand disposed of.