

LPA-693-2025 (O&M)

2025:PHHC:063971-DB



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

**LPA-693-2025 (O&M)
Date of Decision: May 13, 2025**

Shamsher Singh and othersAppellants

Versus

State of Haryana and others Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. A.K. Viridi, Advocate for the appellants.

Mr. Sukhdeep Parmar, Sr. DAG, Haryana.

LISA GILL, J.

1. Prayer in this appeal is for setting aside order dated 23.01.2025 passed by learned Single Bench whereby CWP-12221-2022 filed by appellants/writ petitioners has been dismissed.

2. Brief facts necessary for adjudication of the matter are that present appellants/writ petitioners filed abovesaid writ petition for directing respondents to consider their representations dated 18.06.2021 and 22.08.2021 besides issuance of direction to construct the road in question in

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terms of the alleged first survey, statedly conducted in the year 2019 as reflected in site plan, Annexure P4. It is pleaded in the writ petition that respondents, who are small farmers are residents of the address as given and that there existed 11 feet *kacha* (unmetalled passage) rasta in revenue record as reflected in site plan, Annexure P4 and that this is the only passage to connect them with their fields. In order to construct new bye pass of Cheeka in District Kaithal, survey of land was carried out and site plan prepared. As per petitioners, site plan prepared was Annexure P4 while this was disputed by respondents while submitting that it is the site plan attached as Annexure R1 with the written statement filed on behalf of respondents No. 1, 2, 4 and 5. It is a matter of record that for the purpose of construction of said bye pass, land was purchased under the policy of Purchase of Land Voluntarily offered to Government for Development Projects (Annexure R2). Land owners consented to sell their land for proposed Cheeka bye pass.

3. Learned Single Bench on considering the facts and circumstances concluded that writ petition was devoid of any merit, which was accordingly, dismissed. It is held by learned Single Bench that site plan, Annexure P4, has been refuted by respondents. Moreover, claim of right of way over land in question is misconceived because road under construction is not an Express way/Corridor creating any restrictions for crossing the road to any individual, whose land may be abutting the road. Rather it is the specific stand of respondents that anyone who is travelling on the road will have access to every inch of abutting land. It is further observed that individual interest must give away when larger interest of public purpose is involved. Reliance has rightly been placed upon judgment of Hon'ble

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Supreme Court in **State of Haryana vs. Vinod Oil and General Mills, 2014 (15) SCC 410**. Alignment of road, it was held, cannot be changed at the asking of petitioners. Aggrieved therefrom, present appeal has been filed challenging dismissal of CWP-12221-2022 vide order dated 23.01.2025.

4. Learned counsel for appellants vehemently argues that impugned order dated 23.01.2025 has been incorrectly passed by learned Single Bench without appreciating the controversy involved in its correct perspective. It is submitted that change in trajectory of road bye pass has been carried out at the behest of a big land owner. Grave prejudice has been caused to appellants who are 'persons interested' as defined in Section 3(x) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short – '2013 Act'). Appellants and their families will be forced to cross the metalled road and would leave them open to accidents. Eleven feet wide *kacha* passage is a lifeline for the appellants as it is the only way to connect them to their fields. It is, thus, prayed that this appeal be allowed, impugned order dated 23.01.2025 be set aside and CWP-12221-2022 be allowed as prayed for.

5. Learned counsel for State, on advance notice, has controverted the averments on behalf of appellants while submitting that impugned order dated 23.01.2025 has been correctly passed after proper consideration and appreciation of facts and circumstances. Dismissal of appeal is prayed for.

6. We have heard learned counsel for parties and have perused the file with their able assistance, however, we do not find any ground whatsoever to cause interference in the matter.

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7. It is a matter of record that for the purpose of construction of Cheeka bye pass, land was purchased under the policy of Purchase of Land Voluntarily offered to Government for Development Projects. Land of appellants is admittedly not utilized for construction in this highway. We take note of the fact that site plan attached as Annexure P4 has been refuted by respondents in the written statement filed on their behalf. There is no material on record to refute the same. It is specifically stated in the written statement that as per site plan Annexure R1, dera/residential area shown in Annexure P4 is infact 128 feet away. It is specifically denied that original survey was changed in any manner. It is the categoric stand of respondents that proposed bye pass is not an Express way/corridor where there is any restriction of entry or exit and that appellants have access to their fields at every steps from the proposed bye pass and neither would it prove to be an accidental hub. There is indeed nothing on record to refute the same. Furthermore, learned counsel for appellants is unable to indicate any violation of provisions of the 2013 Act. It is to be noted that though allegations of malafide have been raised but neither such person has been named or impleaded in the writ petition or even in appeal. It is a settled position that for development of the area, individual interest necessarily has to give way to public purpose. Furthermore, road in question is being constructed after conducting proper technical surveys and after considering the necessary parameters. It is correctly held by learned Single Bench that alignment cannot be allowed to be changed especially when it is not causing

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any hindrance to appellants to have access to their respective lands.

8. No other argument has been addressed.
9. Appeal being devoid of any merit is, thus, dismissed.
10. Pending application(s), if any, stand(s) disposed of.

(LISA GILL)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

May 13, 2025
Rts

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