

Court on its own motion vs. NHAI & Ors.

CWPIL No. 249 of 2017

30.09.2022 Present: Mr. Vivek Negi, Advocate, as Amicus Curiae.

Mr. Balram Sharma, ASGI, for respondent No. 1.

Mr. K. D. Shreedhar, Sr. Advocate with Ms. Shreya Chauhan and Ms. Sneh Bhimta, Advocates, for respondent Nos. 2 to 4.

Mr. Rajinder Dogra, Sr. Addl. A.G., with Mr. Vinod Thakur, Mr. Shiv Pal Manhans, Addl. A.Gs., Mr. Bhupinder Thakur, Dy. A.G. and Mr. Rajat Chauhan, Law Officer, for respondents-State.

In compliance to order dated 02.09.2022, the Deputy Commissioner, Solan, has filed compliance report, however, we are not at all satisfied with the contents thereof.

Vide order dated 02.09.2022, we had directed the Deputy Commissioner and Superintendent of Police, Solan to remove encroachments and report compliance.

The Deputy Commissioner instead of complying with the order has requested the NHAI to apply for demarcation on a proper application to the competent Authority i.e. Assistant Collector 1st Grade. Probably, the Deputy Commissioner has been oblivious and totally ignorant of the fact that apart from being Deputy Commissioner she is also the District Collector and the highest revenue authority within the District. Therefore, it is incumbent upon the Deputy Commissioner to have appointed adequate number of Revenue Officers to demarcate the land as per the list appended with the application. The Deputy Commissioner is considered to be the guardian and the protector of the public property and cannot

shun its responsibility, more particularly, in a manner as set out in the affidavit.

Therefore, in the given facts and circumstances, we direct the Deputy Commissioner, Solan to appoint adequate number of Revenue Officers to get demarcated the land where encroachments have not been removed, details whereof are annexed as Annexure A1/1 accompanying the affidavit of compliance filed by the NHAI in compliance to the order dated 26.07.2022 and 04.08.2022 and ensure that the demarcation be completed within four weeks and thereafter the encroachments are duly removed within next two weeks.

For compliance to come up on 21.10.2022. In the meanwhile, the NHAI is directed to furnish details of court cases that are stated to be pending before the various courts including this Court.

The Court places on record its appreciation on the speedy work now being carried out by the NHAI on the section of Solan to Kiyarighat.

We hope and trust that the same progress shall be maintained in the future.

(Tarlok Singh Chauhan)
Judge

(Virender Singh)
Judge

September 30, 2022
(Sanjeev)