

**Court on its own motion vs. NHAI and others**

**CWPIL No. 249 of 2017 a/w CWP No. 2788 of 2020 and CWP No. 5196 of 2022**

28.03.2023

Present: None for *Amicus Curiae*.

Mr. B.M. Chauhan, Senior Advocate with Mr. Manmohan Singh Katoch, Advocate for the petitioner in CWP No. 5196 of 2022.

Mr. K.D. Shreedhar, Senior Advocate with Ms. Shreya Chauhan, Advocate for the respondent-NHAI.

Mr. Anup Rattan, A.G. with Mr. Y.W. Chauhan, Mr. I.N. Mehta, Sr. Addl. A.G, and Ms. Priyanka Chauhan, Dy. A.G. for the respondent-State.

Mr. Ram Asra Khural, Project Director NHAI and Mr. Gian Chand Negi, Assistant Advisor, NHAI are also present in person.

On 15.03.2023, the Court passed the following order:-

*“The Deputy Commissioner, Solan is directed to get the land from Ch. Km 82.065 to 82.095(LHS) of NH-05 demarcated as requested by the National Highways Authority of India vide its letter dated 2<sup>nd</sup> March, 2023 and submit the report in a sealed cover, so as to reach this Court on or before the next date of hearing.*

*List on 28<sup>th</sup> March, 2023.”*

2. In compliance to the aforesaid order, necessary demarcation has been carried out by the Field Kanungo, Kasauli and report thereof submitted

in a sealed cover. In terms of the demarcation so carried out, Mr. Vivek Sood son of Om Prakash is found to be in unauthorized possession of 0-0-2 biswas of land, now belonging to the NHAI. The Collector, Solan is directed to evict the encroacher and submit a report within two weeks from today.

3. Since this direction is being passed by this Court, therefore, we make it further clear that no Civil Court, Revenue Court or any other authority shall entertain any application, muchless suit qua such encroachment.

4. In the meanwhile, the NHAI is directed to identify the spots and thereafter prepare a DPR within three months from today for the road side amenities, so that the construction thereof can be commenced, preferably before advent of monsoon.

5. We are also informed that the NHAI has already submitted the report to the Divisional Forest Officer, Solan who has raised some objections. The objections have now been removed and submitted to the DFO. In such circumstances, the DFO is directed to accord approval, if there is no legal impediment before the next date of hearing.

6. The NHAJ has also submitted the feasibility report, which is yet to be approved. Let final approval thereof and tender be awarded within a period of three months, advent to monsoon.

List on 11<sup>th</sup> April, 2023.

**( Tarlok Singh Chauhan )**  
**Judge**

March 28, 2023  
(naveen)

**( Virender Singh )**  
**Judge**