

ITEM NO.105

COURT NO.3

SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Original Suit (s). No(s). 6/1996

THE STATE OF HARYANA DEPARTMENT
OF IRRIGATION THE SECRETARY

Petitioner(s)

VERSUS

THE STATE OF PUNJAB & ANR.

Respondent(s)

(IA No. 196825/2022 - APPLICATION FOR PERMISSION
IA No. 87466/2020 - APPLICATION FOR PERMISSION
IA No. 65700/2024 - CLARIFICATION/DIRECTION
IA No. 145682/2019 - INTERVENTION APPLICATION)

WITH

CONMT.PET.(C) No. 511/2004 In ORGNL.SUIT No. 6/1996 (XVII-A)

W.P.(C) No. 455/2005 (PIL-W)

Date : 24-10-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s)

Mr. Shibu Devasia Olickal, AOR
Mr. Dinesh Kumar Garg, AOR

Mr. Shyam Divan, Sr. Adv.
Mr. Lokesh Sinhal, Sr. A.A.G.
Mr. Aditya Sharma, AOR
Mr. Sudipto Sircar, Adv.
Mr. Nikunj Gupta, Adv.

For Respondent(s)

Ms. Pinky Anand, Sr. Adv.
Mr. Ashish Rana, AOR
Mr. Anurag Kumar Singh, Adv.
Mr. Ritik Anmol, Adv.

Mr. Saudamini Sharma, Adv.
Mr. Samrat Pasriccha, Adv.

Mr. Shibu Devasia Olickal, AOR

Mr. Gurminder Singh, Sr. Adv.
Mr. Jagjit Singh Chhabra, AOR
Mr. Vinay K. Shailendra, Adv.
Mr. Jatinder Singh Gill, Adv.
Ms. Harpriya Khaneka, Adv.
Mr. Ramanpreet Singh Bara, Adv.

Mr. R. Venkatramani, Attorney General for India
Mr. Tushar Mehta, Solicitor General
Ms. Aishwarya Bhati, A.S.G.
Mr. Wasim A Qadri, Sr. Adv.
Mr. Ankur Talwar, Adv.
Ms. Swati Ghildiyal, Adv.
Mr. Rajat Nair, Adv.
Mr. Ashok Panigrahi, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Shiv Mangal Sharma, A.A.G.
Ms. Nidhi Jaswal, AOR

UPON hearing the counsel the Court made the following
O R D E R

IA No. 65700/2024

1. The present application has been filed by the National Highway Authority of India (for short "NHAI") seeking permission to construct a major bridge over the SYL canal (RD79000) at project highway chainage 8+010 (Village Pawala, District Sri Fatehgarh Sahib).
2. The State of Punjab has filed a counter affidavit, stating thus:

"11. The State of Punjab has no objection to the construction of the bridge over land for the SYL Canal at project highway chainage 8+010 ((Village Pawala, District Sri Fatehgarh Sahib), however as submitted above, the land is in possession of the farmers

following the Notification dated 16.11.2016 read with the orders dated 30.11.2016 and 15.02.2017 passed by this Hon'ble Court-the relevant parts of both the orders are extracted as under:

In re, Order dated 30.11.2016

"For the present, nobody in possession of the lands etc. in question as on today would be dispossessed before the next date of hearing."

In re, Order dated 15.02.2017

"...Needless to say the interim order passed by us on 30.11.2016 and continued from time to time shall continue to operate until further orders."

3. The applicant (NHAI) has also filed an affidavit of one Mr. Pradeep Atri, who is working as GM(T)-cum- Project Director at PIU, Chandigarh, NHAI stating therein as under:

"4. That in view of the order dated 06.05.2024 passed by this Hon'ble Court, the Applicant i.e. National Highways Authority of India is hereby clarified that National Highway Authority of India shall not raise any claim on the land required for laying foundation and construction of proposed Major Bridge over the SYL Canal (RD79000) at project highway Ch. 8+010 ((District Sri Fatehgarh Sahib)

5. That I have perused the counter affidavit filed by the State of Haryana, wherein no objection for construction of proposed major bridge has been granted subject to certain conditions mentioned in para no. (viii)(a) to (e) at page No. 7-9 of counter affidavit. Though no prayer has been sought against the state of Haryana in the present application, the Applicant with abundant caution and in the interest of early disposal of the application and completion of the project, hereby undertakes to abide by the said conditions during the construction of the said proposed bridge."

4. The learned counsel for the State of Punjab submits that they have no objections to the construction of the said project, provided that the applicant does not claim any rights over the land.

5. The learned counsel for the State of Haryana submits that they have no objections to the construction of the said project, provided that the applicant undertakes to comply with the conditions mentioned in para no. (viii)(a) to (e) at page No. 7-9 of counter affidavit filed by State of Haryana and NHAI does not claim any rights over the land.

6. Ms. Pinky Anand, learned senior counsel appearing on behalf of the NHAI states that the NHAI is only constructing the bridge so that the entire highway is completed and that the applicant will not claim any rights over the land in question.

7. We find that since both the States (State of Punjab and State of Haryana) do not have objection to the construction of the said bridge over the canal, subject to the condition that the NHAI does not claim any ownership, there should not be any impediment in allowing the application.

8. The statement made by the NHAI on affidavit is taken on record and accepted as an undertaking to this Court.

9. The application is, therefore, allowed. The NHAI is

permitted to construct major bridge over the SYL canal (RD79000) at project highway chainage 8+010 (Village Pawala, District Sri Fatehgarh Sahib).

10. We make it clear that the aforesaid order is without prejudice to the rights of any of the parties.

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)