

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP No.2727 of 2009.

Decided on: 31.8.2012

Lok Kalyan Samiti, Kot, Tehsil Ghumarwin, District Bilaspur, H.P., through its Vice President Shri Gian Chand, son of Shri Sant Ram, resident of Village Hambot, Post Office Hatwar, Tehsil Ghumarwin, District Bilaspur, H.P.

.....Petitioner.

Versus

1. State of Himachal Pradesh, through its Chief Secretary.
2. Secretary (HPPWD), to the Govt. of H.P., Shimla-2.
3. Executive Engineer, Ghumarwin Division, Ghumarwin, District Bilaspur, H.P.

.....Respondents.

**Civil Writ Petition under Articles
226/227 of the Constitution of India.**

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The Hon'ble Mr. Justice V.K. Ahuja, Judge

For the petitioner: None.

For the respondents: Mr.J.S. Guleria, Assistant Advocate General.

Justice V.K. Ahuja, J. (Oral) :

Petitioner has filed the present writ petition claiming the following relief:

"a) That the respondents may kindly be directed to complete the construction of Link Road to Village Kanjyan-Hambot from Tanda Lawana Road within time bound period by issuing a writ of mandamus."

2. A notice of the petition was issued to the respondents, who filed reply, in which they have pleaded that the work for construction of the road in question named 'Hambot Kanjian link road' was started

by the respondent-Department in the year 1999-2000. The road could not be completed as all the land owners did not donate the land for the construction of the road and some of the land owners obtained stay from the civil courts. Thus, it was pleaded that only a portion of the road remains to be constructed, but in the absence of donation of the land having been made, the road could not be completed.

3. The road cannot be completed until and unless all the land owners donate the land in favour of the State Government as per the policy of the State Government and then only the petitioner-Society is entitled to any relief, as prayed by it.

4. In view of the above discussion, the petitioner-Society is at liberty to convince the land owners to donate the land for the construction of the road and thereafter once the donation is made, they may make a representation accordingly to the Principal Secretary (PWD), respondent No.2, who shall consider the same, of course, subject to the availability of funds. No other relief can be granted in favour of the petitioner-Society.

5. The petition stands disposed of accordingly, so also the pending application(s), if any.

August 31, 2012.
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(V.K. Ahuja),
Judge.