

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 1873 of 2015 (O&M)
Date of decision: 15.5.2015

Mohan Lal and another

.. Petitioners

v.

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Rakesh Bakshi, Advocate for the petitioners.
Mr. Raj Kumar Makkad, Deputy Advocate General, Haryana.

...

Rajesh Bindal J.

Challenge in the present petition is to the order dated 2.2.2015, passed by the learned lower appellate court, whereby the order passed by the trial court on an application filed by the petitioners-plaintiffs under Order 39 Rules 1 and 2 CPC, was set aside.

The petitioners filed the suit for permanent injunction restraining the State from diverting flow of water by constructing *pulia* at point 'ABCD' shown in the site plan, as the flow of water could result in damage to their crops and houses. It was claimed that earlier also, there was flow of water in that direction but pipe line had been laid down under the road, which was taking the rainy water coming from the side of Himachal Pradesh to a drain. The grievance was that in case more pipe lines are laid down under the road and the water is not taken through the pipes to the culvert, the same will spill and may result in damage to their crops and the houses.

Learned counsel for the State was asked to get the matter examined and explore the possibility of laying down pipe lines to carry

rainy water to the drain upto which one pipe line had already been laid. The matter was got examined by a Committee headed by Executive Engineer, PWD (B&R); Executive Engineer, Panchayati Raj Department; Sub Divisional Engineer, Panchayati Raj Department; Assistant Sub Divisional Engineer, PWD (B&R) and Block Development and Panchayat Officer, Naraingarh, being the other members. They had visited the spot and recommended that new pipe lines being laid under the road be taken upto the drain for carrying additional rainy water. The same will save the land and the houses on the way. A communication has been sent by Block Development and Panchayat Officer, Naraingarh to Deputy Commissioner, Ambala on 14.5.2015 for sanction of additional funds for laying of pipes.

Learned counsel for the petitioners-plaintiffs did not dispute the fact that laying of these pipe lines from the road till the drain will solve problem of accumulation or spilling of water in their fields and houses. He further submitted that they use *Gohar* to approach the main road. As a result of laying of pipe lines, the same may not be damaged and the petitioners may not be able to use the said *Gohar*.

Learned counsel for the State, on instructions from Makhan Lal, Sub Divisional Engineer, PWD (B&R), Naraingarh, stated that passage of the petitioners over *Gohar* will not be disturbed with laying of pipe lines, however, during the period of laying of pipe lines, there may be temporary obstruction, which will be restored to its original condition.

The aforesaid stand of learned counsel for the State satisfies the claim of the petitioners for the purpose of interim relief.

The orders passed by the learned courts below is modified to the extent mentioned above.

The petition stands disposed of.

(Rajesh Bindal)
Judge

15.5.2015
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