

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH.

Civil Writ Petition No.11020 of 2014  
Date of Decision: 28.5.2015

Sukanya Bhardwaj

..Petitioner

versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA  
HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. S.S.Salar, Advocate, for the petitioner.

Mr. Rajinder Goyal, Addl.A.G.,Punjab

Mr. J.S.Bhandowal, Advocate,  
for respondent no.5.

RAJIVE BHALLA, J. (ORAL)

The petitioner prays for issuance of a writ of mandamus directing the official respondents to take action against respondent nos.5 to 6, who have illegally changed the direction of the drain without getting any 'NOC' from the Water Supply Department and illegally included the land of the petitioner.

After considering the facts and the cause shown by the petitioner, respondent nos.3 and 4 were directed, vide order dated 6.10.2014, to visit the site, hold a fact finding inquiry and submit a report with the remedial action if any required at their end. The matter was, thereafter taken up for consideration on 8.5.2015, when the following order was passed:-

“Present: Mr. B.S.Ichhewal, Advocate,  
for the petitioner.

Mr. Rajinder Goyal, Addl.A.G., Punjab

Mr. J.S.Bhandowal, Advocate,  
for respondent No.5.

Admittedly, Khasra No.939 measuring 3 bigha 9 biswa belongs to the petitioner's husband and her son. The Gair Mumkin Toba existing in Khasra No.933 was merged by the Gram Panchayat with Khasra No.934 by constructing a drain. A perusal of the report reveals that a part of the drain may be existing on the land in Khasra No.939 owned by petitioner's husband and son.

The Deputy Commissioner, Patiala and SDM, Nabha shall ensure that in case any part of the Gair Mumkin Toba or drain situated in Khasra No.934 has encroached upon any part of Khasra No.939, the encroachment shall be removed forthwith, preferably within 15 days from the receipt of a certified copy of this order.

The Deputy Commissioner, Patiala and the SDM, Nabha shall take steps to ensure that the pond in Khasra No.934 does not cause any damage to the land and property situated in Khasra No.939.

To enable the Deputy Commissioner, Patiala and the SDM, Nabha, to file a report, adjourned to 28.5.2015.”

The Deputy Commissioner, Patiala and Sub Divisional

Magistrate, Nabha, have filed their separate affidavits, which are

taken on record.

A perusal of the affidavit filed by the Deputy Commissioner reveals that possession of 0-0-1 biswansis has been restored to the petitioner, on 12.11.2014 by the Sub Divisional Engineer, Water Supply and Sanitation, Division No.1, Nabha. The Sub Divisional Magistrate, Nabha, has directed the concerned department to ensure that land in khasra no.939 is not disturbed and that pond in khasra no.934 does not cause any damage to the land and property situated in khasra no.939. The affidavit of Ms. Amarbir Kaur Bhullar, PCS, Sub Divisional Magistrate, Nabha, is to the same effect.

In view of the aforesaid affidavits, nothing survives in the present petition for adjudication. The writ petition is, accordingly, disposed of with a direction to the respondents that they shall be bound by their affidavits and shall ensure that no damage is caused, by the pond to land/property in khasra no.939.

( RAJIVE BHALLA )  
JUDGE

28.5.2015  
VK

( AMOL RATTAN SINGH )  
JUDGE