

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Writ Petition No.18472 of 2013

Date of decision: 20.02.2015

Pal Singh son of Shri Gursewak Singh, resident of Village Kussar,
Tehsil Rania, District Sirsa, and others.

... Petitioners

versus

Munshi Ram (aged about 64 years) son of Shri Sarwan Ram,
resident of Village Kussar, Tehsil Rania, District Sirsa, and others.

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Gurjeet Singh Kaura, Advocate,
 for the petitioners.

Mr. H.K. Aurora, Advocate,
for respondents 1 to 16.

K.Kannan, J. *(Oral)*

1. The third party petitioners had applied for impleadment before the Permanent Lok Adalat on the ground that the water was being siphoned to their lands from the canal but the private respondents are trying to secure an order from the Permanent Lok Adalat against the Irrigation Department which would in the ultimate bargain affect their interest. The Irrigation Department itself filed a reply stating that the water cannot be siphoned off by any person against the sanctioned scheme and the scheme did not provide for such a process. In whatever way, any order passed by

the Permanent Lok Adalat was bound to affect the persons who were making a claim to take the water from the existing watercourse. If the complainants' case was that the private individuals cannot siphon off water against the sanctioned scheme, the appropriate action itself ought to have been only against the private individuals who were trying to claim a new right before a court of competent jurisdiction. The complainants cannot snatch an order against a government who may or may not choose to defend that will have a direct repercussion on third parties who were staking a claim to take water from the particular watercourse. Their own presence before the Permanent Lok Adalat will have only helped the matter to be either settled or adjudicated in the manner contemplated under Section 22-C and it will be grossly irregular to allow for an adjudication between the complainants and the State only, when, even according to the complainants, the petitioners were creating the problem by seeking to establish new rights which did not exist. Whether such a right exists for third parties or not and whether there had been any public utility which had been denied by the State against the complainants' interest ought to be a matter for an adjudication before the Permanent Lok Adalat itself. The dismissal of the application was clearly wrong. The presence of the petitioners shall help the parties to bring about a complete and final adjudication, for, in their absence, it may only give rise to multiplicity of proceedings. Even

if they are not necessary parties, they are surely proper parties for an adjudication for assessment to the tenability or otherwise of the complainant's claim.

2. The impugned order is set aside and the petition for impleadment is ordered. The Permanent Lok Adalat shall explore a scope of whether any settlement is possible and if it does not yield to any settlement, may proceed to dispose of the petition in accordance with law.

3. The writ petition is allowed with the above directions.

(K.KANNAN)
JUDGE

20.02.2015
sanjeev