

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 23653 of 2015

Date of Decision: November 05, 2015

Pal Singh and another

... Petitioners

Versus

Munshi Ram and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. G.S. Kaura, Advocate,
for the petitioners.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari quashing order dated 05.10.2015 (Annexure P/13) passed by Permanent Lok Adalat, Public Utility Service, Sirsa in case No. 1213 of 2015 titled as “Munshi Ram and others vs. Irrigation Department and others”.

Brief facts of the case are that Munshi Ram and others filed a petition under Section 22-C of the Legal Services Authority Act, 1987 before the Permanent Lok Adalat, Public Utility Services, Sirsa against Irrigation Department and the petitioners, who happened to be respondent nos. 4 and 5 in the petition before Permanent Lok Adalat. When the matter was taken up, one Sh. Shamsheer Singh, SDO, Irrigation Department, Village Bani, District Sirsa, appeared and made a statement on behalf of respondent nos. 1 to 3 that present petitioners have

demolished the watercourse and forcibly constructed siphon. In pursuance of that statement, applicants before the Lok Adalat have withdrawn the petition. Hence, instant writ petition.

I have heard learned counsel for the petitioners and perused the record.

Since, the proceedings before the Lok Adalat have already been withdrawn, no one can be forced that he should continue with those proceedings. The only grievance of the petitioners is that statement which was made by the SDO will affect their interest. Although the statement of the SDO is that watercourse has allegedly been demolished by the petitioners, however, the same is required to be independently proved by the department.

So far as the demolition of the watercourse and construction of siphon forcibly, is concerned, the petitioners will have every right to rebut the alleged allegation regarding forcible demolition and creation of siphon. This Court has no doubt that whenever such proceedings against the petitioners are initiated, the competent court shall afford adequate opportunity to the petitioners to defend those proceedings.

In the above terms, instant writ petition is disposed of.

November 05, 2015
vkd

[Paramjeet Singh]
Judge