

CWP No.27027 of 2014 (O&M)

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

CWP No.27027 of 2014 (O&M)
Decided on: 04.05.2015

Vikram Singh . . . Petitioner

Versus

Superintending Canal Officer . . . Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: None for the petitioner.

Mr. Sandeep S. Mann, Senior DAG, Haryana.

Mr. G.S. Jaswal, Advocate,
for the respondents No.4 and 5.

JASWANT SINGH, J. (Oral)

CM-5082-CWP-2015

Application is allowed as prayed.

Written statement filed on behalf of respondents No.4
and 5 is taken on record.

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The petitioner in the present petition is seeking quashing of order dated 3rd of November, 2014, passed by the Superintending Canal Officer, Bhakra Water Services Circle, Kaithal, whereby the claim of the private respondents 4 and 5,

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regarding restoration of dismantled water course in the chak of outlet RD 17313-T.F. Harsola minor was upheld.

This Court at the time of initial hearing on 6th of January, 2015, passed the following order while upholding the impugned order issued notice (Annexure P-3):-

“CM No.46 of 2015 is allowed. Annexure P-5 is taken on record.

The petitioner states that he is willing to abide by the terms of the impugned order but giving effect to it at this stage is likely to cause loss to the petitioner in view of the standing crops. He further states that he is willing to furnish an undertaking to the effect that he will have no objection to the watercourse being reconstructed as it has been in existence for the last 30 years which is also evident from the impugned order.

Keeping in view the aforesaid stand of the petitioner, issue notice of motion for 19.2.2015 subject to the petitioner furnishing an undertaking in this regard within a period of two weeks from today. In case the petitioner does not furnish the undertaking as has been projected in the court, the Registry is directed not to proceed with the issuance of notice to the respondents. In the eventuality of notice being issued as above the restoration of the watercourse pursuant to the impugned order shall remain stayed only till the next date of hearing. It shall be the responsibility of the petitioner to serve the private respondents Dasti as well.”

In view of above order, notice was issued only for protecting the interest of the petitioner regarding the standing crops on the land whereby dismantled water course was to be restored.

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At the time of hearing today, learned counsel for the private respondents states that the said standing crops have since been harvested and therefore, nothing more requires to be adjudicated in the light of above order dated 06.01.2015, passed by this Court.

In view of the statement on behalf of private respondents, present petition stands dismissed.

[JASWANT SINGH]
Judge

04.05.2015
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