

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.3305 of 2015

Date of Decision.24.02.2015

Devender Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

Present: Mr. Saleem Ahmed, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The petitioner's son who was drowned in river has a complaint to make that the State must compensate him for the death of his son. The counsel refers to two decisions where instances of death in a pond were held to be actionable. A pond in a park is not the same as river. There is no duty of care owed by the State for safety of public in an open river. I may make no such beneficent intervention for a person who is drowned in the river to direct the State to pay the compensation. The counsel for the petitioner states that the petitioner has made representation to the 3rd respondent that shall be considered. If the State wants to make a munificent approach, it is free to do so. The representation given by the petitioner under Annexure P-5 shall be considered by respondent No.3 within a period of four weeks from the date of receipt of copy of this order and the decision taken on the same shall be communicated to the petitioner. Be it known that I have found no legal right in favour of the petitioner.

2. The writ petition is disposed of as above.

**(K. KANNAN)
JUDGE**

February 24, 2015
Pankaj*