

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

RSA No.3290 of 2015

Date of Decision.26.11.2015

Bhagwan Dass

.....Appellant

Versus

The State of Haryana and others

.....Respondents

Present: Mr. Ajay Kamboj, Advocate
for the appellant.

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 plaintiff filed the suit for declaratory action in relation to property in Khasra No.879 on a plea that although there was a sanctioned water course in relation to the khasra number, it had not been put to such use and the water course had been drawn on killa Nos.5-6, 6-10, 15-22, 16-20, 25-21 of rect. No.162-161 and that further the plaintiff has himself constructed a house the same way as many other persons had done. The defendants namely the State agencies were trying to restore the water course which had been originally sanctioned but without minding the actual change of user and existing water course which is in different rectangle number referred to above. The Court dismissed the plaintiff's suit and the Appellate Court affirmed the same pointing out to the proposition laid down in Mukand Singh Vs. Addl. Director Consolidation of Holdings (P&H) 1993 PLJ 247 that if the scheme had been framed and sanctioned, any modification of the

alignment of water course could be made only under the provisions of the Northern India Canal and Drainage Act and declaratory action will not lie. I find the proposition of law as correctly applied against the plaintiff and there is no scope for entertaining the appeal, for the proposition of law that is involved is against the plaintiff and no relief is possible in the suit.

2. The second appeal is dismissed.

(K. KANNAN)
JUDGE

November 26, 2015
Pankaj*