

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

**CWP No.5467 of 2005
Date of decision: 29.09.2016**

Avtar Singh and another

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: None for the petitioners.

Mr. Yatinder Sharma, Addl. AG, Punjab.

None for respondents No.5 to 7.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the alleged inaction on the part of respondents authorities, petitioners have approached this Court by way of present writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of mandamus.

Learned counsel for the State submits that petitioners have not challenged any order passed by any canal authority, including the order dated 03.09.2003 (Annexure P-3) passed by Divisional Canal Officer, Mansa, whereby some land was ordered to be shifted from one outlet to another outlet. He further submits that since there was no interim order passed by this Court, while admitting the present writ petition for regular hearing and also in view of the nature of prayer made, instant writ petition would not survive and the same may be disposed of, as having been rendered infructuous.

Learned counsel for the State seems to be justified in making the abovesaid statement. Petitioners are seeking only a writ in the nature of

mandamus, directing the respondent authorities to allow uninterrupted full water supply to the fields of the petitioners from canal minor 5200/L. Before filing the present writ petition, it seems that petitioners have approached the respondent authorities by way of legal notices (Annexure P-5 and P-9) but no action thereon was taken.

In view of what has been discussed hereinabove, instead of keeping the present writ petition pending any further, which is serving no purpose, it is disposed of, with a direction to the Divisional Canal Officer, Mansa Division, I.B., Mansa-respondent No.2 that if the petitioners approach him by moving an appropriate representation within a period of three months from today, he shall consider the grievance raised by the petitioners by passing an appropriate order, strictly in accordance with law, at an early date but in any case within a period of three months from the date of receipt of representation from the petitioners.

Office is directed to send a copy of this order to the petitioners as well as to respondent No.2.

With the abovesaid observations made and directions issued, present writ petition stands disposed of.

[RAMESHWAR SINGH MALIK]
JUDGE

29.09.2016

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No