

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.17463 of 2012
Date of decision: 16.11.2016

Manoj Bhatnagar

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Rajesh Arora, Advocate
for the petitioner.

Mr. R.K. Doon, AAG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks a writ in the nature of mandamus, directing respondents No.1 to 3 to take appropriate steps to close the borewell in the land under forcible occupation of respondents No.4 and 5.

Notice of motion was issued and in compliance thereof, reply was filed by Deputy Commissioner, Rohtak-respondent No.2.

Learned counsel for the State, while placing reliance on para 4 of the reply dated 22.01.2013 filed by Deputy Commissioner, Rohtak, submits that needful has already been done. The borewell at the site is closed and there is no threat to anybody's life and property, including the petitioner. Present writ petition has been rendered infructuous. He prays for disposal of the writ petition, as having been rendered infructuous.

The averments taken in para 4 of the reply filed by respondent

No.2-Deputy Commissioner, Rohtak, reads as under: -

“That in reply to this para it is submitted that Annexures P-3 and P-4 attached with the writ petition are addressed to Sh. Alok Mittal, IPS, I.G. Rohtak Range, Rohtak and Sh. Rajiv Dalal, IPS, D.G.P., Haryana, Chandigarh respectively as such the same are not addressed to the answering respondent. However, an application dated 16.7.2012 was received and report thereon was obtained from the Joint Commissioner, Municipal Corporation, Rohtak, according to the report dated 23.11.2012 of Joint Commissioner, Municipal Corporation, Rohtak the bore was found closed at the site. Report dated 23.11.2012 attached as Annexure R-I. Further, it is submitted that another application made by the petitioner for closing down the bore well was received through Additional Director General of Police, CID, Haryana vide his office endorsement No.1044 dated 30.07.2012. A copy of the same is forwarded to the Superintending Engineer, Public Health Engineering (PHE) Department, Rohtak and Tehsildar, Rohtak vide No.7018-19/MB dated 1.8.2012 for taking necessary action in the matter. The Superintending Engineer (PHE) Department, Rohtak has reported vide No.7363 dated 3.8.2012 that there is no open bore well and information be treated as nil. Tehsildar, Rohtak reported on 14.9.2012 that site was inspected by the revenue official and bore-well got closed. Now, there is no danger to life and property at present. Report attached as Annexure R-II. Besides these, another application addressed to Smt. Geeta

Bhukal, Minister of Social Justice, Haryana has also been received through Additional Deputy Commissioner, Gurgaon vide his letter No.5535 dated 27.9.2012. The enquiry have been got conducted through Sub Divisional Officer (Civil), Rohtak. The Sub Divisional Officer (Civil), Rohtak has visited and inspected the site personally and reported vide his letter No.1028/Steno dated 19.11.2012 that Smt. Gopi Rani widow, Smt. Neena Devi, Seema Rani, Sashi Devi, Babita Devi daughters and the petitioner son of Late Sh. Chhote Lal are the co-owners/co-sharer of 780/11007 part of land of Khasra No.3816(0-4), 3833 (0-12) measuring 171 sq. yards and Khewat No.1664 Khasra No.16799/4842 (0-11) of 20/1440 measuring 23 sq. yards as per mutation of inheritance bearing No.14268. There is no open bore-well in this land. So far as the photos of the so called bore-well as attached with the petition is concerned, it is submitted that a well is located in the land of Sh. Jayanti Parshad etc. at Khasra No.14366/3836 which has been covered with heavy stones. There is no danger to life and property at present. Copy of report dated 19.11.2012 is attached as Annexure R-III. It is also submitted that the petitioner was also provided information on his demand vide this office No.9069/MB dated 1.9.2012.”

Faced with the above, learned counsel for the petitioner fairly states that let the present writ petition be disposed of, as having been rendered infructuous, in view of the averments taken in para 4 of the reply filed by respondent No.2.

In view of the abovesaid undisputed fact situation obtaining on the record of the present case, present writ petition is disposed of, as having been rendered infructuous.

Disposed of, accordingly.

Pending civil miscellaneous application(s), if any, shall also be disposed of.

16.11.2016
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No