

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Writ Petition No. 2075 of 2011 (O&M)
Date of Decision: 1.8.2016

Harjit Singh Walia

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Kanwaljit Singh, Sr. Advocate with
Mr. S.K. Liberhan, Advocate
for the petitioner.

Mr. Yatinder Sharma, Additional A.G. Punjab.

Mr. Amar Vivek, Advocate
for respondent No.7.

Mr. Rishi Tandon, Advocate
for respondent No. 6 and 8.

RAMESHWAR SINGH MALIK J. (ORAL)

Learned senior counsel for the petitioner, at the very outset, fairly states that in view of the averments taken in para 18 of the affidavit dated 11.12.2015 filed by Sh. Balwinder Singh, Executive Engineer, Regulation Rajasthan, presently at Chandigarh for State of Rajasthan by way of CM No. 16361 of 2015, he does not intend to press this petition any further.

Learned counsel for the respondents, including learned counsel

AMIT KUMAR
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I attest to the accuracy and
authenticity of this document

for respondent No.7, do not oppose the abovesaid prayer made by learned senior counsel for the petitioner.

The averments taken in para 18 of the application dated 11.12.2015, read as under:-

“That in the circumstances, the State of Rajasthan humbly prays before this Hon'ble Court that present writ petition be dismissed and in any case the interim orders dt. 21.7.14. and 15.9.12 may kindly be withdrawn/vacated forthwith, by issuing directions to the State of Punjab to divert/release maximum possible water through M.B. Link so as to avoid wastage D/s Madhopur. However, the vacation of the said orders shall not result into any damage to the lands/soil of the persons falling within the route of the flow of the water and a regular and strict vigil to this effect shall be maintained and the same shall be monitored. The State of Rajasthan shall stand to indemnify if there are any losses to anyone due to excess flow of water. However, it is imperative that the flow of water be not curtailed/restricted any further in the light of stark facts noticed herein.”

In any case, the experts of the State of Rajasthan and joint visit of the engineers of the two states have already ascertained that the excess release of water shall in no way prejudice the petitioner in any manner whatsoever and there shall be a close monitoring and inspection of any adverse consequences and urgent redress and remedial measures in the event of any impending losses if any, in the process.

It goes without saying that respondent No.7 shall remain bound by the abovesaid undertaking given on its behalf. Consequently, State of Punjab is also directed to release maximum possible water through M.B. Link, so as to avoid wastage. However, State of Rajasthan shall ensure that no harm of any kind is caused to the land of the petitioners.

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

(RAMESHWAR SINGH MALIK)
JUDGE

1.8.2016
Ak Sharma

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