

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 26878 of 2015 (O&M)

Date of Decision: June 02, 2016

Rajesh

... Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. D.P.S. Bajwa, Advocate,
for the petitioner.

Mr. Sandeep S. Mann, Sr. DAG, Haryana.

Mr. R.N. Lohan, Advocate,
for respondent No.5.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the order dated 17.10.2014 (Annexure P/2) passed by respondent No.4 – Sub Divisional Canal Officer, Shudkan Water Service Sub Division, Narwana and order dated 12.12.2014 (Annexure P/3) passed by respondent No.3 – Divisional Canal Officer, Narwana Water Service Division, Narwana.

I have heard learned counsel for the parties and perused the record.

Perusal of record reveals that petitioner has demolished the watercourse which was going upto the land of the private respondents.

Concurrent findings have been recorded by all the revenue authorities that watercourse has been demolished by the petitioner. The Sub Divisional

Canal Officer, Narwana W/S Sub Division, Narwana has ordered the restoration of watercourse for one year on temporary basis.

The private respondent will be entitled to use the watercourse for one year, thereafter, the petitioner will be at liberty to demolish the watercourse. In the meantime, the private respondent can file appropriate application for permanent watercourse. Since the private respondent will be using the land of the petitioner for one year, he will pay Rs. 10,000/- as compensation to the petitioner by way of bank draft. In case, the petitioner does not accept the amount then the private respondent shall deposit the same with respondent No. 4 - Sub Divisional Canal Officer, Shudkan Water Service Sub Division, Narwana. Respondent no.4 shall inform the petitioner about the deposit. It is made clear that firstly the private respondent must send the bank draft to the petitioner by registered post. The private respondent can do the same at his own level. If, the petitioner does not accept the same, the private respondents shall deposit the same with respondent no.4. The Irrigation Department is directed to restore the watercourse. The period of one year shall commence from 03.06.2016.

Disposed of in the above terms.

June 02, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge