

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

COCP No.3097 of 2016

Date of Decision:-25.04.2017

Karnail Singh & Ors.

.....Petitioners.

Versus

**Birender Singh, Chief Engineer, Bhakra Water Services, Irrigation &
W.R. Department, Haryana Sinchai Bhawan, Sector 5, Panchkula.**

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. M.S. Sindhu, Advocate for the Petitioner.

Mr. Sidharth Sanwaria, Deputy Advocate General, Haryana.

Mr. Jagdish Chand Malik, Advocate for respondent-
Phool Singh Nain.

JASWANT SINGH, J (ORAL)

Petitioners were share holders for release of water for irrigation of their fields at the Outlet at RD 15000-R BML Barwala Link Channel. The said outlet was closed leading to litigation and finally this Court vide order dated 22.08.2016 passed in CWP No.8556 of 2015 directed the authorities to pass an appropriate order within six weeks from receipt of certified copy of the order.

Since the needful was not done, hence the present contempt petition was filed.

Upon notice reply dated 17.04.2017 of the Chief Engineer,

Haryana was filed, wherein it was submitted that a review application of the

order dated 22.08.2016 stands filed which is listed for hearing on 10.05.2017.

In compliance of the previous order, Mr. Birender Singh the earlier Chief Engineer and Sh. Phool Singh Nain, the present incumbent are present in Court. A fresh affidavit dated 24.04.2017 of Sh. Phool Singh Nain has been filed in Court wherein it is stated that a speaking order dated 20.04.2017 (R-1) has since been passed and the outlet at RD 15000-R BML Barwala Link Channel has since been restored at the site.

Counsel for the petitioner on instructions submits that although the outlet may have been restored, however, the discharge at the outlet has been reduced by changing the level and design of the outlet to the prejudice of the share holders.

In response the present Chief Engineer states that in light of the factual contention the officers concerned will examine the situation at site and in case the discharge is not as per the parameters and the authorization of the outlet, necessary remedial measures will be taken immediately so that the irrigation does not suffer.

In view of the aforesaid stand of the officer, counsel for the petitioner does not wish to pursue the present contempt petition.

Dismissed as infructuous.

The respondents shall be bound by their aforesaid stand.

(JASWANT SINGH)
JUDGE

April 25, 2017
Vinay

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No