

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

CR No. 4133 of 2017 (O&M)

Date of Decision: 10.08.2017

RAM NIWAS

-PETITIONER

VS

STATE OF HARYANA AND ORS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Jagram Singh Cooner, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

This is a revision petition arising out of proceedings under Order 39 Rules 1&2 CPC vide which both the Courts have declined interim injunction in favour of the plaintiff-petitioner.

Civil suit for declaration and permanent injunction was filed by the petitioner-plaintiff, seeking to restraint the defendants from constructing the water course on the land of Rectangle and Killa No.67//18, 19 and 20 without demarcation. Plaintiff alleged that sugarcane crop was standing in Killa No.67//19 and 20. Water course was sanctioned under Section 18(2) of the Haryana Canal and Drainage Act, 1974. Mutation of the water course i.e. Mutation No.3780 was also sanctioned

on 29.11.2015. Defendants became owner of the land including the land comprised in Killa No.67//20 as per order dated 11.09.2002 and the corrigendum and sanction letter issued by the authority. The amount has already been deposited as compensation. Annexure-I is the order dated 29.03.2001 passed by Divisional Canal Officer wherein water course was sanctioned on Southern dowl of Killa No.67//18-19 and northern dowl of Killa No.67/21/1 and two karam width was acquired on compensation basis. The said order was subsequently explained in Annexure-II i.e. order dated 05.07.2004 passed by Divisional Canal Officer, corroborating the factum of sanctioning of water course through Killa No.67//18, 19, 20, 21/1. The same proposition has been followed by the authorities in hierarchy at a subsequent stage. As per Annexure-IV and Annexure-V, lining of water course was allowed in Killa No.67//18-24 to Killa No.67//20-68//25= 680 feet. The water course has to be built through the land bearing Killa No.67//18, 19, 20, 21/2. The aforesaid mechanism includes Killa No.67//20. The controversy is squarely based on the orders passed by the competent authorities in hierarchy. Order dated 05.07.2004 passed by Divisional Canal Officer was never assailed by the plaintiff-

petitioner in any forum.

In view of above, I see no ground to interfere in this revision petition and the same is, accordingly, dismissed.

10.08.2017
jjyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No