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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4473-2016

Date of decision : 07.03.2017

Harkesh

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sunny Bhardwaj, Advocate
for the petitioner.

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

AMIT RAWAL, J. (ORAL)

The petitioner has approached this Court for seeking the following relief:

"Civil Writ Petition under Article 226/227 of the Constitution of India for issuing a writ in the nature of mandamus directing the respondent Nos.1 and 2 to register vigilance enquiry on the written information of petitioner, through representations dated 29.05.2015 (Annexure P-2) and 21.10.2015 (Annexure P-3), respectively.

Further direct the respondent Nos.3, 4 and 5 to grant compensation to the petitioner for damage to his crops, on parity with the damage assessment report of the adjoining land.

Further issue a writ in the nature of mandamus directing the respondents to keep the petitioner regularly informed about the progress of the investigation regularly.

AND/OR

Issue any other appropriate writ, order or direction which this Hon'ble High Court may deem fit and proper in the facts and circumstances of the present case."

Mr. Sandeep Singh Mann, Sr. DAG, Haryana submits that as per reply, some irregularities on behalf of the Patwari in disbursing the compensation to ineligible persons, have been found. A show cause notice has been issued to Sh. Satbir Siwatch, then Patwari, retired Kanungo, for taking action in accordance with law. The reference has been given to Annexure R-4 (Show Cause Notice).

He further submits that at that time, inquiry was pending, but not aware of the outcome of the same, thus, one of the grievances of the petitioner stands vindicated.

I am of the view that as regards the compensation to the petitioner on the basis of parity regarding damage cost to the crop in the adjoining fields, there is a specific averment in paragraph 7 of the petition that he has got compensation of damage cost to some extent, but not fairly and properly. If at all, the petitioner had or has any grievance, he could have availed the remedy of suit claiming damages by leading evidence that the compensation was on a lesser side. It is not case of the petitioner that he has been denied the compensation.

Keeping in view the aforementioned facts, I deem it appropriate to dispose of the present writ petition with liberty to the petitioner to seek the claim by filing a civil suit or any other remedy, which he deems fit and

appropriate, but not the writ petition.

Disposed of, accordingly.

07.03.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

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