

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-29866-2017
Date of decision: 06.09.2018**

Karamjeet Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Naina Issar, Advocate for
Mr. Siddharth Gupta, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, DAG, Punjab.

Mr. Jainainder Pal Saini, Advocate
for respondent No. 6.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of directions to respondent Nos. 1 to 5 to register an FIR under the appropriate sections of the Indian Penal Code and the Arms Act.

On 17.08.2017, the petitioner was directed to file an additional affidavit stating as to whether the *Pulli* constructed by the petitioner over the water channel is in conformity with the Northern India Canal and Drainage Act and the permission of the competent authority has been taken in this regard. Thereafter, on 03.10.2017, a direction was issued to the State counsel to seek instructions as to whether the *Pulli* constructed by the petitioner over the water channel is in conformity with the Northern India Canal and Drainage Act and whether the petitioner has obtained necessary permission for the same or not.

Reply by way of affidavit dated 20.09.2017 has been filed by

the petitioner in which it is stated that the application, which was filed before the officials concerned for taking permission qua construction of *Pulli* in question, is not traceable. It is also stated that the said application was never rejected by the department concerned. It is also stated that this *Pulli* is in existence since 1995 and no objection was ever raised by the department concerned.

Reply by way of affidavit of DSP, Sub Division Abohar, District Fazilka, filed on behalf of respondent Nos. 1 to 5, is also on record wherein it is stated that on a query raised by the Police Department with the Canal Department in this regard, the Deputy Collector, Abohar Canal Division, Abohar has stated that the *Pulli* constructed by the petitioner over the water channel is not in conformity with the Northern India Canal and Drainage Act and the petitioner neither obtained necessary sanction of the Canal Department nor had ever applied for such permission. The communication is attached as Annexure R-1/A with the affidavit.

In view of the same, no ground for issuance of any direction to respondent Nos. 1 to 5 for registration of the FIR is made out and the petition is dismissed accordingly.

September 06, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*