

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

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Civil Writ Petition No.16871 of 2018
Date of Decision: July 12th, 2018

Pradeep Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Harsh Bunger, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging notices issued to him by respondent No.7-Gram Panchayat, Village Dabra, Tehsil and District Hisar, wherein it has been asserted that petitioner and his father have encroached upon Panchayat Khal (watercourse) by sowing wheat crop thereon.

2. As per the pleadings of the petitioner himself, reply to the notices has been submitted by the petitioner and no decision thereon has been taken till date by the Gram Panchayat. This Court is of the considered view that the present writ petition is premature as no final order on the notices has been passed by the complete authority.

3. Apprehension of the petitioner has been raised by the counsel for the petitioner that without there being an order by the competent authority, the already running Khal would be demolished by one of the respondents although there is a stay order by the Civil Court in a civil suit filed by respondent No.11. Further that the Khal which they assert has been left out in the consolidation proceedings is only on papers and it was never acted upon, would be constructed on the land of the petitioner without following the due procedure under the statute. This apprehension of the

counsel for the petitioner is misplaced as the Court is sanguine that the competent authority under the Haryana Canal and Drainage Act, would pass appropriate orders and thereafter proceed strictly in accordance with law.

4. In view of the above, the present petition is dismissed as premature at this stage.

5. In case any order is passed by the authorities adverse to the interest of the petitioner, he may avail of his remedy in accordance with law, if so advised.

July 12th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No