

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

CWP NO. 9466 OF 2017

DATE OF DECISION: NOVEMBER 13, 2018

Gram Panchayat Katha Majra and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Harmandeep S.Brar, Advocate for
Mr.ADS Jattana, Advocate for the petitioners.

Mr.D.Khanna, Addl.AG Haryana.



TEJINDER SINGH DHINDSA, J.

Learned counsel for the parties have been heard.

Instant writ petition was filed praying for issuance of directions to the official respondents to remove the alleged encroachments on the Naraingarh-Hussaini-Rampur-Kathe Majra-Ujjal Majri Road upto Himachal Pradesh border. Further prayer was for issuance of writ of mandamus for the official respondents to take action on a representation dated 28.7.2016, Annexure P14, as regards the natural flow of water on the Naraingarh – Ujjalmajra road, village Jangumajra, Block Naraingarh, District Ambala having been obstructed and thereby leading to flooding of the adjacent and nearby fields.

Upon notice of motion having been issued, written statement on

behalf of respondents No.1 to 3 was duly filed. That apart, a status report

dated 25.10.2018 of the Executive Engineer, Provincial Division, Haryana PWD (B&R), Naraingarh-respondent No.3 has also been placed on record.

Paragraph 3 of the status report would be relevant insofar as the prayer made in the present petition and the same is re-produced hereunder:

“3. that the status report with regard to removal of the encroachments and obstruction of natural flow of water, is being filed by Executive Engineer, Provincial Division, PWD (B&R), Naraingarh, District Ambala. The status report is as under:

i) (a) That regarding encroachments upon the main road running between Naraingarh upto the Himachal Pardesh border it is submitted that notices had been issued to 36 Nos. encroachers for removal of encroachments and the list is attached as Annexure -A.

(b) That after the issuance of the notices to the encroachers, 36 Numbers cases have been filed under the public premises act before the court of Sub-divisional Magistrate, Naraingarh, who is also exercising the powers of the Collector under the Public Premises Act. Summons were issued by the Hon'ble Court of Collector Naraingarh on dated 08.02.2018. The last date of hearing was 04.09.2018 and the next date has been fixed for 05.11.2018.

ii) The obstruction in natural flow of water at village Jangumajra has been cleared on 27.2.2017.”

In view of the averments made in the status report and

reproduced hereunder, this Court is satisfied that necessary action has already been initiated for removal of the encroachment on the road/stretch in question and furthermore, the obstruction of natural flow of water in village Jangumajra already stands cleared/removed on 27.2.2017.

In view of the above, no further directions with regard to the prayer raised in the instant petition are required to be passed at this stage.

Writ petition is disposed of.

**(TEJINDER SINGH DHINDSA)
JUDGE**

NOVEMBER 13, 2018

SRM

Note: *Whether speaking/reasoned:* *Yes/No*

Whether Reportable: *Yes/No*