

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

102

**RSA No.1533 of 2014 (O&M)
Date of Decision : 31.05.2018**

State of Haryana and others

..... Appellants

Versus

Basant Kumar and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Kapil Bansal, DAG, Haryana
for the appellants.

Mr. Surender Lamba, Advocate
for respondent No.1.

Mr. R.S.Sharma, Advocate
for respondents No.2 & 3.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the judgment of the lower appellate Court allowing an appeal filed by plaintiff-respondent No.1.

The brief facts are that the western side of land comprised in Khasra No.135//1,10,11 and 20 was reserved for construction of water course during consolidation proceedings. However, when the water course was actually constructed it came through the eastern side of the land comprised in Khasra No.134//5,6,15 and 16. The respondents filed this suit claiming that by this changed construction they had been prejudiced because that water khal now had come to be constructed in their land and had prayed that the said water course be removed.

The trial Court dismissed the suit but the appellate Court partly allowed the appeal filed by the plaintiff-respondent No.1 and that is how the State of Haryana is before this Court.

Today Mr. Satish Kumar, Executive Engineer, Water Service Division, Fatehabad is also present in Court. With his expert intervention and with the efforts of all the learned counsel the matter has been resolved.

It has been agreed that respondent No.1 on the one hand and the respondents No.2 & 3 on the other hand would contribute 50:50 towards the cost of putting an underground pipe at the standard depth of 3 feet to be laid on the eastern side of Khasra No.134//5,6,15 and 16. The physical installation of the pipe would be undertaken by the appellant-State of Haryana.

In this connection, the Executive Engineer states that respondents No.1, 2 & 3 can come to his office on 04.07.2018 at 10.00 A.M. On that date he would hand over the cost estimate to them.

Counsel for the respondents have agreed (after taking instructions from their clients) that within one month thereafter they will deposit the amount in the office of the Executive Engineer, Water Service Division, Fatehabad and the Executive Engineer states that within three months of the deposit, the pipeline will be laid under the existing khal.

In the circumstances, judgments and decrees of both the Courts are set aside and the appeal stands disposed of with the above terms.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

**(AJAY TEWARI)
JUDGE**

31.05.2018

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No