

Date of decision: 31.10.2019

RAVINDER SINGH

...PETITIONER

VS.

STATE OF HARYANA AND OTHERS

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Anuj Malik, Advocate
for the petitioner.

Mr. Ravi Partap Singh, AAG, Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

In compliance with the order dated 28.08.2019 passed by this Court, affidavit of the Executive Engineer Sampla W/S Division, Rohtak dated 29.10.2019 along with Annexures R-1 and R-2 as well as the video clip of the opened water course as Compact Disk as also the affidavit dated 31.10.2019 filed in Court, taken on record, copy supplied to the counsel for the petitioner.

A perusal of the affidavit dated 29.10.2019 would indicate that the order passed by this Court with regard to the carving out of the watercourse as per the consolidation i.e. consolidation watercourse No. 89 in outlet RD 14900-R Dulhera Disty has been complied with.

When the case was earlier taken up, counsel for the petitioner had pointed out that the watercourse was only 1 feet wide whereas it should have been 1 Karm as per the consolidation. Mr. Rajeev Kumar, Executive Engineer, Sampla W/S Division, Rohtak has explained that 1 feet would be the running watercourse whereas on both sides, there is embankment which

has to be kept intact when the water flows to the watercourse. Accordingly, he was called upon to file an affidavit.

The present affidavit dated 31.10.2019 clearly indicates that the watercourse has been so carved out which, when taken into consideration as a whole, occupies 5 ½ feet i.e. 1 Karm, which includes the water way and the embankment on both sides of the water way.

In the light of the above, this Court is satisfied that the requisite watercourse has been carved out as per the consolidation. No further action is required to be taken at this stage. If the petitioner has any other grievance, he may approach the competent authority as per The Haryana Canal and Drainage Act, 1974.

October 31, 2019
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No