

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 17817 of 2020 (O&M)
Date of Decision:18.01.2021

Kanta Devi and others

.....Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rahul Sidher, Advocate
for the petitioners.

Mr. S.S.Pannu, DAG., Haryana.

LISA GILL, J(Oral).

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

This writ petition has been filed by the petitioners to constitute a special committee of officials of the Revenue Department along with the petitioners for the purpose of providing proper passage/pucca road and Watercourse to the land of the petitioners.

It is submitted that the petitioners/their predecessors-in-interest had been displaced from their land during the period 1957 to 1959 when their land was acquired by BBMB-respondent no.2 for construction of Bhakra Gobind Sagar Dam and they had been given agricultural land and residential plots in District Hisar. Predecessors-in-interest of the petitioners took possession of the agricultural land and residential plots in District Hisar in the year 1962. Conveyance deeds are stated to have been executed between 1982 to 1985. Petitioners, now seek passage to their land as well as watercourse, besides land for Khadda Khad measuring 2 Marlas each to be

allotted to them. It is stated that the department is sitting over the matter since 1962 and no action has been taken by the authorities despite serving legal notice dated 19.07.2019, Annexure P-9.

I have heard learned counsel for the petitioners and have gone through the file with his assistance.

Clearly, there are disputed questions of fact which are involved in this writ petition filed by the petitioners whose land (land of predecessors-in-interest) is stated to have been acquired in the year 1957 to 1959 and the said persons adjusted in District Hisar in the year 1962. There is nothing on record to indicate whether the petitioners/their predecessors-in-interest ever raised such claims since 1962 till 2019. There is also an order of Divisional Canal Officer (DCO), Annexure P-5, in respect to extension of watercourse. There is again no material on record to indicate that the said order has not attained finality or that the petitioners had ever raised any objections thereto. It is evident that in the given factual matrix, this writ petition cannot be entertained.

No other argument has been addressed.

Keeping in view the facts and circumstances as above, I do not find any ground whatsoever to interfere in the present writ petition. Writ petition is accordingly dismissed. Needless to say, the petitioners are at liberty to pursue the remedy/ remedies as may be available to them in accordance with law.

18.01.2021
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.