

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(104)

CWP-21272-2020

Date of Decision: January 19, 2021

Baldev Singh and another

.. Petitioners

Versus

State of Haryana and others

.. Respondents

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Narender Singh Kamboj, Advocate, for the petitioners.

Ms. Rajni Gupta, Additional Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present petition, the grievance which is being raised by the petitioners is that water course at Moga No.111730/L Rajwah Sirsa Major constructed in rectangle No.140 Killa No. 15, 16 and 25 in the area of village Jodhka, Tehsil Nathusari Chopta, District Sirsa, which was running for the last more than 40 years, has been demolished by respondents No. 2 to 3 in an illegal and arbitrary manner due to which, the petitioners are suffering prejudice as there is an acute shortage of water to irrigate the land of the petitioners.

Learned counsel appearing on behalf of the petitioners submits that the said prejudice was brought to the notice of the respondents vide application dated 19.06.2020 (Annexure P-2) and no action has been taken by the respondents on the said application despite lapse of reasonable time.

On the last date of hearing, the following order was passed:-

“CM No.13723-CWP of 2020

Heard.

Allowed as prayed for.

Amended memo of parties is taken on record.

Disposed of accordingly.

CWP No.21272 of 2020

Counsel for the petitioners would argue that despite the petitioners having filed an application under Section 24(1) of The Haryana Canal and Drainage Act, 1974 (Annexure P-2) to the Sub Divisional Canal Officer, Nehrana seeking restoration of demolished water course, no action has been initiated when otherwise under subsection (2) of Section 24 of the Act, the Sub Divisional Canal Officer is obligated to require by a notice in writing served on the person found to be responsible for so demolishing, altering, enlarging, obstructing or causing damage, to restore the water course to its original condition within such period not exceeding 21 days.

Counsel for State of Haryana prays for time to seek instructions as to the status of application (Annexure P-2). He is directed to submit a status report with regard to the fate of that application.

Adjourned to 19.01.2021.”

Learned counsel for the respondents-State submits that she has received the instructions from the respondents according to which the application dated 19.06.2020 (Annexure P-2) already stands decided by the competent authority and the order passed on the said application will be conveyed to the petitioners within a period of one week, even if it is already conveyed.

Learned counsel for the petitioners submits that he be allowed to withdraw the present petition with liberty to avail appropriate remedy in case, the petitioners are aggrieved against the order which has been passed by the respondents in pursuance to their application dated 19.06.2020

(Annexure P-2).

In view of the above, the present writ petition is disposed of
having been withdrawn with liberty as prayed for.

January 19, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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