

104 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-339-2020 (O&M)

Date of Decision:17.11.2022.

Rajiv and others

.....Appellants

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. P.K. Ganga, Advocate
for the applicant-appellants.

Mr. Deepak Bhardwaj, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)**LPA-339-2020**

Challenge in this appeal is to the judgment passed by the learned Single Judge dated 17.02.2020 whereby the writ petition preferred by the appellants has been dismissed in the light of the fact that the order which was impugned dated 18.01.2019 (Annexure P-5) passed by the District Magistrate, authorizing the Executive Engineer, Ghaggar Water Services Division, Sirsa as Duty Magistrate to carry out the removal of the underground unauthorized pipelines installed by the villagers on Mangala Director Miner had been passed in pursuance to the orders passed by this Court in CWP No.28054 of 2017 titled as 'Dungar Ram and another Vs. State of Haryana and another'.

Counsel for the appellants submits that the appellants have no option but to approach the Court by way of the writ petition challenging the said order as the removal of the underground pipes which were laid by the appellants had been carried out without even giving them any notice or opportunity of being heard. When confronted by this Court as to why the appellants did not approach the Court when the writ petition was pending especially when the orders impugned had been passed in pursuance to an order passed by this Court in the writ petition referred to above the

counsel very fairly states that an application for impleadment had been moved by the

appellants being CM no. 2635-2636-CWP-2019 in CWP-28054-2017, wherein the said applications were not accepted and were rather permitted to be withdrawn with costs vide order dated 28.02.2019 (Annexure P-7). He contends that this withdrawal was based upon the request which was made by the counsel to the Court for liberty to challenge the said order or avail of the remedy in accordance with law. This contention of the learned counsel for the appellants cannot be accepted as the orders passed by this Court do not mention such a thing. Even the prayer in this regard on behalf of the counsel for the appellants is not mentioned in the order what to say of any permission having been granted.

In the light of the dismissal of the application for being impleaded as a party and for permitting them to use the underground pipelines, the prayer as made in the present appeal cannot be accepted. The order passed by the learned Single Judge being in accordance with law do not call for any interference by this Court in the present appeal.

The appeal being devoid of merit, therefore, stands dismissed.

CM-900-LPA-2020

In the light of the dismissal of the present appeal stay application stands disposed of as infructuous.

(AUGUSTINE GEORGE MASIH)
JUDGE

17.11.2022
rekha sharma

(VIKRAM AGGARWAL)
JUDGE

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