

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

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C.W.P. No. 8867 of 2022

Date of Decision:- 28.04.2022

SATISH AND ANR

....Petitioners

vs.

STATE OF HARYANA AND OTHERS

....Respondents

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Rajinder Mathur, Advocate,
for the petitioner.

Sudhir Mittal, J. (Oral)

Respondent No.5 filed an application for restoration of a water course allegedly demolished by the petitioners. The application was allowed and water course was ordered to be restored. Appeal and revision filed by the petitioners have failed and, thus, this writ petition has been filed.

Learned counsel for the petitioners submits that there was an oral agreement between the father of the petitioners and the father of respondent No.5 that the father of respondent No.5 would provide land equivalent to the land utilized for the purposes of the water course. In fact there are two water courses and, thus, the petitioners have been deprived of valuable land. The father of respondent No.5 and thereafter respondent No.5 have not honoured the said agreement and have not given equivalent land. The petitioners acquired knowledge of this oral agreement after they attained majority and, thus they have demolished one of the water courses running through the land of the petitioners to enable the implementation of the oral agreement. These facts have not been taken into consideration by the authorities below.

and, thus, the authorities below were justified in ordering the restoration thereof. No reliance can be placed upon the submission that there was an oral agreement between the respective fathers of the parties. Assuming that it was so, it does not entitle a party to demolish a running water course for implementation of an agreement between the parties. Recourse has to be taken to law and unilateral actions cannot be permitted.

In view of the above, the writ petition has no merit and is dismissed.

April 28, 2022
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	No