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

CWP No. 14762 of 2021
Date of Decision: 04.02.2022

Harjagjit Singh and others

-Petitioners

Versus

State of Punjab and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. K.S. Brar, Advocate,
for the petitioners.
Mr. T.P.S. Chawla, D.A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioners have filed this writ petition for issuance of an appropriate writ in the nature of mandamus, directing respondent No.2 to clear the path along side the minor (Rajwaha) and also to transplant the trees at some distance from the minor as per guidelines/notification dated 03.05.1958 so as to prevent breach in the minor due to obstruction caused by the branches in the stream of water.

Learned State counsel appeared on 05.08.2021 on the basis of advance notice and sought time to get instructions in view of averments made by the petitioners.

On 31.08.2021, learned State counsel submitted before the Court that the process of removal of branches of the trees was underway.

Thereafter, status report by way of affidavit of Swarn Singh, Divisional Forest Officer, Bathinda has been filed on behalf of respondents No.1 to 3.

According to the aforesaid affidavit, the branches of the trees which had fallen in the canal have already been removed by the Department and now there are no branches of the trees which are causing any obstruction in the stream of water at the site. Status report is accompanied by number of photographs, showing status at the site. Affidavit further depicts that the trees planted on the bank of the canal are very old. The trees were planted about 35-40 years ago. Due to reconstruction of minor by the Irrigation Department, the width of the path has been reduced by 2-3 feet at some locations. This path is not meant for travelling of villagers, rather the same is meant for the department for conducting inspection and two wheelers can move easily on this path.

The aforesaid status of branches is sought to be refuted by learned counsel for the petitioners on the basis of some photographs.

Having heard learned counsel for the parties, I am of the view that as per status report filed by way of affidavit supported by photographs, no more directions are required to be issued, however, liberty is given to the petitioners that in case there is intensity of branches having hanged in the stream of water causing eminent threat to the stream of water, then the petitioners may apprise the office of Divisional Forest Officer, Bathinda and in such an eventuality, the said office shall inspect the site at that particular juncture and would take all the corrective steps in accordance with law.

Disposed of.

04.02.2022

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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