

CWP-7131-2015

Date of Decision: 06.12.2022

Satyawar

....Petitioner

VS

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Kartar Singh Malik, Advocate
for the petitioner

Mr. Samarth Sagar, Addl. A.G. Haryana

Mr. Rajesh Hooda, Advocate
for respondents No. 5 to 9

SUDHIR MITTAL, J. (Oral)

The private respondents had filed an application for restoration of a demolished water course denoted as 'AB' in the site plan (Annexure P-2). The same was ordered to be restored for a period of one year. Appeal filed by the petitioner was rejected. Thereafter, the private respondents filed an application for sanction of water course 'AB' on compensation basis. This application too was allowed and further appeal and revision filed by the petitioner failed. Thus, the present writ petition has been filed.

Learned counsel for the petitioner has submitted that the water course 'AB' bifurcates the land of the petitioner, as a result of which his cultivable area has been reduced. The private respondents could easily have been granted water course running on the western Killa line of Killa No. 24/2 (reference site plan Annexure P-2). This would have secured interest of both parties. The authorities

Below have erred in refusing to consider the matter in the correct perspective.

Learned counsel for the private respondents has submitted that the water course 'AB' was an existing water course and has been demolished by the petitioner. Thus, its restoration was ordered. The said order was upheld by the appellate authority. After the period for which it was restored came to an end, application was submitted for sanction of the same on a permanent basis on payment of compensation. The application has been allowed because the alternative suggested by the petitioner would have resulted in reduction in the flow of water due to a number of extra bends. Thus, the authorities below have rightly rejected the appeal and revision of the petitioner.

Land of the private respondents is depicted in the site plan (Annexure P-2) in black colour. The same is towards the North of the land of the petitioner. A *khal* is passing towards the East of this land which is fed by a water course flowing from East to West below Khasra Nos. 24/2, 24/1, 23 and 22. If the solution given by the petitioner is to be accepted, it would infact result in two extra turns and it is well-known that more number of turns in a *khal* reduces the flow of water. The orders impugned are, thus, reasonable and do not call for any interference.

The writ petition has no merit and is dismissed.

06.12.2022
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(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No