

207 **IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP-22965-2019 (O&M)
Date of decision: 02.04.2022

SHAM LAL AND OTHERS

....Petitioners

Versus

STATE OF HARYANA AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE ANILKSHETARPAL

Present: Mr. J.S. Cooner, Advocate
 for the petitioners.

Mr. Harsh Vardhan, AAG Haryana.

ANIL KSHETARPAL, J (Oral):

The petitioners pray for issuance of writ in the nature of mandamus to direct the official respondents to pay compensation to the petitioners and proforma respondent Nos. 4 to 6 for constructing a drain to their land. It is the case of the petitioners that after issuance of notice under Section 4 of Land Acquisition Act, 1894 proposing to acquire 77 feet wide strip of land, the respondents have failed to proceed further though the land has been utilized for constructing a drain. In the reply the respondents have submitted that Ambala District is situated on the foot hills of Shivalik hills and due to the aforesaid fact there are various natural channels including drains and nallas which flow in the area.

On instructions from Sh. Rajat Saini, JE Water Services Division Ambala, and Sh. Maninder Singh, SDO Water Services Division, Amabala, Mr. Harsh Vardhan, AAG, Haryana would state that the department does not wish to acquire the land as it is already recorded in the

revenue record as the *gair mumkin nalla* (chain).

Keeping in view the aforesaid facts, the question which arises for adjudication is, as to “Whether the petitioners and proforma respondents are the owners of the property or not and whether or not the petitioners are entitled to obstruct the natural flow of water”?

Keeping in view the aforesaid facts, the petitioners are relegated to an alternative remedy.

Disposed of.

(ANIL KSHETARPAL)
JUDGE

02.04.2022
Monika

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|-------------------------------|---|---------|
| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |