

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

Sr. No.103

**Civil Writ Petition No.24778 of 2021
Date of Decision : December 13, 2022**

Inder Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ajit Sihag, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The petitioner is aggrieved because an application filed by respondent No.5 for restoration of a demolished watercourse has been allowed. Challenge to the said order by the petitioner by way of appeal and revision has failed.

Learned counsel for the petitioner has argued that order of restoration was illegal because the land over which the same allegedly existed was not owned by the petitioner.

The argument is illogical and hence misconceived. For ordering restoration, the watercourse in dispute need not exist on the land of the applicant.

The next argument raised is that the watercourse has been ordered to be restored on the Eastern side of 12//18 whereas in the application filed by respondent No.5, his claim was that the same existed on the middle line of Killa No.12//17-18.

Learned counsel for the petitioner was asked to substantiate his submission with reference to the application referred to above. He, however, submits that a copy of the said application is not available with him and that the record be requisitioned.

The petitioner is required to prove his submission. Therefore, he should have obtained a copy of the application and placed the same on record. Having not done so, the request for requisition of the record is not liable to be accepted. As a sequel, the petitioner has failed to establish the submission made and no relief can accordingly be granted to him.

The writ petition has no merit and is dismissed.

December 13, 2022

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No