

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-26053-2022

Date of Decision: 16.11.2022

Ram Niwas

....Petitioner

VS

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Sandeep Goyat, Advocate
for the petitioner

SUDHIR MITTAL, J. (Oral)

The petitioner is aggrieved because the revision filed by respondent No. 5 has been allowed and a water course demolished by him has been ordered to be restored.

Respondent No. 5 had filed an application for restoration of the demolished water course but the same was dismissed. His appeal was also dismissed, leading to the filing of the revision petition. While allowing the revision petition it has been *inter alia* found that the petitioner had agreed to restore the demolished water course through a *kacha khal* vide compromise dated 15.05.2020. This compromise is on record as Annexure P-8 and a perusal thereof shows that the petitioner has admitted the demolition of the water course in dispute.

Once there is an admission that a water course is in existence, ordering its restoration is a *sine qua non*. The argument that an alternate source of water is available can not be accepted because there is no rule/law permitting a party to demolish an existing water course if an alternative source of supply is available to

the other party. No argument against the restoration on a permanent basis has been addressed.

For the aforementioned reasons, the writ petition has no merit and is dismissed.

16.11.2022
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(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No