

221

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

**COCP-2335-2017 (O&M)
Date of decision: 01.03.2023**

Ashwani Kumar and anr.

... Petitioners

Vs.

Mandeep Sihag and anr.

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Kartik Sharma, Advocate for
Mr. A.K. Verma, Advocate
for the petitioners.

Mr. Naveen Dahiya, Advocate for
Mr. Shalender Mohan, Advocate
for the respondents.

ARVIND SINGH SANGWAN, J. (ORAL)

The petitioners allege violation of the order dated 14.03.2016 passed in CWP-4443-2016, in which it was noticed, while issuing notice of motion, that when the case was taken up by this Court on an earlier occasion, the order dated 04.02.2015 was not complied with and in the meantime, it was directed to maintain status quo.

The claim as set up by the petitioners is that water in Kaluana Distributory from RD 160200 is reduced without following due process of law.

Details of the litigation between the contesting the parties and the orders passed by the Executive Engineer, Superintending Engineer, Rori Water Services, Circle Sirsa are referred to in the petition. It is stated that despite the order of status quo, the respondents have violated the same.

In the affidavit filed by respondents No.1 & 2, it is stated that earlier CWP-16094-2013 was rendered as infructuous on 04.02.2015, as direction was issued to comply with the order within a period of 15 days, therefore, filing of CWP-4443-2016 is not maintainable.

On facts, it is stated that a detailed reply was filed in the writ petition, in which it is already explained that the order dated 04.02.2015 stands complied with, as Kaluana Distributory had initial capacity of 244 cusecs from RD 258000 of Bhakra Main Branch with its tail at RD 184000 and due to lengthy system, shareholders of tail portion were not getting water, therefore, necessary action was taken. It is stated that discharge of water was increased from 217 cusecs to 231.11 cusecs as per Annexure R-2, therefore, no willful disobedience is made out.

Dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

01.03.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No