

2023:PHHC:151420

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

CWP-3687-2022
Date of Decision: 29.11.2023

Satwinder Singh and others

..... Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Nakul Sharma, Advocate, for the petitioners.

Ms. Akshita Chauhan, Deputy Advocate General, Punjab.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for directing respondents No.3, 6 and 7 to sanction the mutation of Sua and after conducting demarcation, proposal be prepared on Latha, as Nehri Sua passes through the land of petitioners, but till today there is no record in Musavi and Aks Latha, which is required to be entered in Musavi Latha, petitioners want to get partition of their land, but due to not mentioning in proposal of Nehri Sua and Aks Latha, petitioners are facing difficulty in getting the land partitioned, even applications moved to respondents No.3 dated 21.02.2014 (Annexure P-4) as well as respondent No.7 dated 06.08.2015 (Annexure P-5) even legal notice dated 23.10.2019 (Annexure P-9) was sent and directions were issued by the office of respondent No.1 to take steps on legal notice, but till today no action has been taken on the same. Further prayer has been made to direct respondent No.6 for arranging syphon for the discharge of water as a Rajwaha passes through villages Badinpur, Ladpur and Jasran and due to not having syphon under it, water stagnates there due to stagnation of water, crops have been damaged, hence, syphon is to be arranged for the discharge of the said water, even applications dated 17.07.2015 and 15.09.2015 moved vide (Annexures P-6 and P-7), however, till today no steps have been taken and further issuance of direction to respondents No.2 to 5 for installing outlet for permanently taking water from Sua, as land of the petitioners is situated at village Ladpur and village Badinpur and a Rajwaha passes through village Ladpur and village Badinpur, hence, prayer was made to respondent No.4 to allow for installing outlet at Sua for taking water from Sua. Even application dated 07.01.2016 was

moved to respondent No.4 (Annexure P-8) but till today, neither any steps have been taken nor any action has been taken. Another prayer has been made to direct respondents No.1, 3 and 5 to decide the legal notice dated 23.10.2019 (Annexure P-9) moved by the petitioners.

Mr. Harnek Singh, Naib Tehsildar, Mandi Gobindgarh is present in Court and has submitted that demarcation as prayed for by the petitioners would be carried out, however, the requisite expenses to be incurred on the demarcation pertaining to the land of the petitioners would be borne by them.

Learned counsel for the petitioners on instructions from petitioner No.1, who is present in Court, has submitted that the petitioners are owner of 63 bighas 19 biswas of land and they are ready to pay the expenses to be incurred in the demarcation.

In view of the above, the present petition is disposed of with a direction to respondent No.7-Naib Tehsildar, Mandi Gobindgarh to carry out the demarcation pertaining to the land of the petitioners, for which the expenses would be borne by the petitioners as per law within a period of two months from today.

However, the petitioners are at liberty to pursue their remedy in case any further cause of action accrues to them.

(RAJESH BHARDWAJ)
JUDGE

29.11.2023

sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No