

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

CWP-6938-2023

Date of decision : 06.10.2023

Gurcharan Singh

.....Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rahul Vijay Singh Chugh, Advocate
for the petitioner.

Mr. Arun William, AAG, Punjab.

Mr. Ajay Kamboj, Advocate
for respondents No.4 to 7.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for setting aside the impugned order dated 17.01.2023 passed by respondent No.2 (Annexure P-4) whereby the appeal filed by petitioner has been dismissed and the order dated 07.11.2022 passed by respondent No.3 (Annexure P-2) for restoration of the unmetalled water course at Point A-B as alleged by respondents No.4 to 9 have been demolished by the petitioner has been wrongly and illegally allowed to be restored in the fields of the petitioner and his four co-sharers without recording any findings as to whether the water course in dispute was sanctioned one or the same was running at the spot on the basis of an agreement between the parties or on the basis of some easement and without holding as to whether the water course in dispute was temporary or permanent one. Further prayer has been made that the operation of the impugned order dated 17.01.2023 passed by

respondent No.2 whereby the appeal filed by petitioner has been dismissed and the order dated 07.11.2022 passed by respondent No.3 for restoration of the allegedly demolished unmetalled water course in the fields of the petitioner and his four co-sharers be stayed during the pendency of the present petition.

Learned counsel for respondents No.4 to 7 submits that on the same cause of action, petitioner has already filed the petition i.e. CWP No.12166-2023 which is fixed for 28.11.2023.

To be heard along with CWP-12166-2023.

At this stage, learned counsel for the petitioner submits that he may be allowed to withdraw the present petition.

Allowed to do so.

Dismissed as withdrawn.

06.10.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No