

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

106

**CWP-8130-2023
Date of Decision: 17.08.2023**

MALKEET SINGH

... Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Atul Kaushik, Advocate for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed for seeking issuance of directions to the respondents to stop boating in the Siswan Dam situated in District S.A.S. Nagar (Mohali).

The counsel for the petitioner contends that the petitioner had been granted licence on 27.09.2019 by respondent No.1 for fishing in Siswan Dam and since then he has been doing the said business, however, the respondent No.1 i.e. Secretary, Department of Forests, Punjab, during the continuation of the above contract, has permitted the activity of boating in the canal water, which is claimed to be contrary to the rules under which the petitioner is doing his business. A letter is stated to have been written by the petitioner to respondent No.2 highlighting the same and that it was resulting in loss to the petitioner. The said communication is claimed to have been forwarded by the Assistance Director, Fisheries to the respondent No.2 – Director and Warden of Fishing, Livestock Complex, Sector 68, Mohali.

Despite grant of repeated opportunities, the petitioner failed to refer to any provisions of the agreement as also the regulatory statute under which the licence for allowing boating could not have been granted by the respondents.

In the absence of any statutory or contractual bar against grant of such licence, the present petition cannot be accepted. A petitioner is required to establish violation of a fundamental/statutory right or an arbitrary abuse of any authority by the State before writ jurisdiction can be invoked for intervention.

The petitioner has chosen not to place on record the terms and conditions of his contract or establish his claim in law.

This Court finds that no grounds have been brought on record by the petitioner to crystallize his rights and to claim indulgence of this Court at this stage and against the 3rd party in whose favour boating rights have been created. Assuming that some condition of contract of fisheries is violated, the petitioner shall have a remedy to seek compensation as per law/contract.

Accordingly, the present petition is dismissed in *limine*.

AUGUST 17, 2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No