

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM-15215-CWP-2023
CM-15216-CWP-2023
in/and
CWP-14986-2021
Date of decision: 06.10.2023

BHAJAN SINGHPetitioner
VERSUS

STATE OF PUNJAB AND OTHERSRespondents

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

Present: - Mr. Rajiv Malhotra, Advocate and
Mr. Arsh Bir, Advocate
for the petitioner.

Mr. Saurav Verma, Addl. A.G. Punjab.

VINOD S. BHARDWAJ, J. (Oral)

CM-15215-CWP-2023

The present application has been filed under Section 5 of the Indian Limitation Act, 1963 for condonation of delay of 16 days in filing the present application.

For the reasons mentioned in the application, the same is allowed and delay of 16 days in filing the present application is condoned.

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in CWP-14986-2021**

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CM-15216-CWP-2023

The present application has been filed under Order 9 Rule 9 of the Code of Civil Procedure for seeking restoration of the writ petition that has been dismissed for non-prosecution vide order dated 20.07.2023.

Notice of the application.

Mr. Saurav Verma, Addl. A.G. Punjab accepts notice on behalf of respondents.

For the reasons stated therein, the application is allowed. The main case is restored in its original number. And the main case is taken up on Board today itself.

CWP-14986-2021

Learned counsel appearing on behalf of the petitioner contends that the issue brought before this Court was in relation to encroachments made over Basemi Drain. Attention of the counsel for the petitioner has been drawn to Para No.8 of the affidavit filed by the Principal Secretary, Water Resources Department, Government of Punjab dated 04.07.2023, in which it is stated as under:-

*“That in compliance with the aforesaid directions of this Hon'ble Court, it is respectfully submitted that the total length of the said drain is 14750 feet, the encroachments of which are now fully removed, and land boundary has been created on both sides of the drain as well as plantation along both sides of the drain with help of Forest Department is in process so that any further encroachment could be prevented in future. The photographs are attached as **Annexure-R/1**”.*

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Counsel for the petitioner submits that since the respondents have claimed removal of all encroachments on the total length of the said drainage, he does not press the instant writ petition at this stage. He shall take recourse to the appropriate remedy in case the aforesaid claim is not found to be incorrect.

The present petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

OCTOBER 06, 2023
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No