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

CWP-16111-2019 (O&M)
Date of decision: 24.05.2023

Deputy Singh

...Petitioner

Versus

Superintending Canal Officer and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. J.S. Warring, Advocate for the petitioner.

Mr. Karan Puggal, DAG, Punjab, for respondents No.1 & 2.

Ms. Ramandeep Kaur, Advocate for
Mr. Gurpal Singh Sandhu, Advocate for respondent Nos.3 & 4.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 02.04.2019 (Annexure P-12) passed by respondent No.1 and order dated 16.03.2018 (Annexure P-11) passed by respondent No.2 whereby an application (Annexure P-6) moved by the petitioner for restoration of the water course/Khal was rejected.

2. On 18.05.2023, this Court had passed the following order:-

“Learned counsel for respondents no.3 and 4 has submitted that the petitioner has entered into an agreement to sell with respondents no.3 and 4 on 08.12.2022 to sell his land for a total amount of Rs.15 lacs out of which Rs.2 lacs has been paid on 08.12.2022 and further an amount of Rs.6 lacs has been paid on 09.03.2023. It is also submitted that the petitioner has since sold his land, thus, he has no locus standi to pursue the

present petition.

Learned counsel for the petitioner has not been able to get clear instructions from the petitioner.

In the said circumstances, the petitioner is directed to be present in the Court on 24.05.2023.

To be taken up at 02:30 PM.”

3. In pursuance of the abovesaid order, the petitioner has appeared in person before this Court today.

4. Learned counsel for the petitioner has submitted that it had been argued by learned counsel for respondent Nos.3 and 4 that the petitioner has agreed to sell his land for a total amount of Rs.15 lacs but the same is incorrect inasmuch as he has agreed to sell his land for an amount of Rs.15 lacs per acre and total land which he has agreed to sell is 20 kanals and 5 ½ marlas.

5. During the course of arguments, learned counsel for the petitioner and learned counsel for respondent Nos.3 and 4 have reached a consensus that respondent Nos.3 and 4 would pay the balance amount of sale consideration to the petitioner in accordance with the agreed terms as expeditiously as possible and that he would get the sale deed registered in their favour.

6. Learned counsel for the petitioner has also submitted that the petitioner would fully assist respondent Nos.3 and 4 in getting the sale deed registered in their favour after respondent Nos.3 and 4 have paid the entire balance consideration to the petitioner.

7. Learned counsel for the petitioner has submitted that in view of the abovesaid facts, the present writ petition be disposed of as having been

rendered infructuous with liberty to the petitioner to revive the said writ petition in case, respondent Nos.3 and 4 backtrack from the statement made before this Court.

8. Learned Counsel for the petitioner has further submitted that the petitioner had deposited a demand draft bearing No.835003 dated 17.08.2020 amounting to Rs.57,600/- with the Registrar of this Court as payment of compensation but since, the present matter has been compromised thus, learned counsel for the petitioner prays that he be permitted to withdraw the said amount. It is further stated that in case, an application for revival of the present case is required to be filed then the said amount would be re-deposited by the petitioner.

9. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of in view of the compromise arrived at between the parties. Both parties would be bound by the statements made before this Court.

10. Registry of this Court is directed to release the amount of Rs.57,600/- along with interest, if any, to the petitioner.

11. In case, respondent Nos.3 and 4 backtrack from the agreed terms, it would be open to the petitioner to move an application for revival of the present writ petition and in such a situation, the petitioner would also be required to deposit an amount of Rs.57,600/- with the Registrar of this Court.

12. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

24.05.2023

Pawan

(VIKAS BAHL)
JUDGE

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