

103

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

CWP-4443-2016

Date of Decision: September 14, 2023

Ashwani Kumar and others

.....Petitioners

Versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Ashok Kumar Verma, Advocate
for the petitioners.
Ms.Upasana Dhawan, AAG, Haryana.

.....

RAJESH BHARDWAJ, J.(ORAL)

Petitioners have approached this Court praying for issuance of direction to the respondents not to reduce the width of Kaluana Disty. and also not to curtail the discharge of water in Kaluana Disty. emanating from R.D.160200 without following due process of law and without notice and without granting an opportunity of being heard to the petitioners and other concerned shareholders of the Kaluana Disty.

This Court vide order dated 23.08.2023 directed the State to file an affidavit. Pursuant to the same, affidavit of Shri Naresh Kumar Bholla, Executive Engineer, Rori W/S Division, Sirsa, dated 12.09.2023, has been filed today in Court, copy of which has been handed over to counsel for the petitioner. The same is taken on record. Shri Naresh Kumar Bholla, Executive Engineer, Rori, is also present in Court today.

Counsel for the petitioner has primarily expressed his apprehension that though it has been said in the affidavit that discharge as on

date is 231 Cs instead of 217 Cs., however the same is likely to be reduced

in future.

However, Shri Naresh Kumar Bholla, Executive Engineer, who is present in Court, has submitted that as on date the discharge is 231 Cs. and to the best of their efforts, the same would be maintained but in a given situation, if exigency so arises, the same may be reduced but in any eventuality, the discharge would not be reduced from 217 Cs.

In view of the above affidavit filed today and the undertaking given by the officer, the present petition is disposed of. The respondents would abide by the same. However, petitioners would be at liberty to avail their remedies as available to them, if situation so arises, when they feel prejudiced by any decision of the respondents taken contrary to the undertaking given today before this Court.

September 14, 2023
meenuss

(RAJESH BHARDWAJ)
JUDGE

- | | | |
|----|-----------------------------|--------|
| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |