

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

CWP No.19584 of 2023

Date of decision : 05.09.2023

Bachan Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ajit Sihag, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

Present writ petition has been filed for quashing the impugned orders dated 24.07.2020 (Annexure P-6) passed by respondent No.4, dated 12.03.2021 (Annexure P-7) passed by respondent No.3 and dated 22.06.2023 (wrongly written which date is 20.06.2022) (Annexure P-8) passed by respondent No.2 which are wrong, illegal, unjust and against the law and facts of the case. Further prayer has been made that during the pendency of the present petition, respondents No.2 to 4 be restrained from excavating/restoration of the khal.

It has been contended by learned counsel for the petitioner that land of the petitioner and that of respondent No.5 are attached to Outlet No.RD-15890-R of Shiswal Sub Minor which is under the control of respondents No.1 to 4. He submits that petitioner is the exclusive owner in possession as co-sharer of field No.234/17-24. He submits that as per

warabandi, separate turns of water were got fixed by respondent No.5 and his co-sharers. He submits that the order passed by the Deputy Collector in allowing the separate waris/turns of respondent No.5 is totally illegal. He submits that the appeal filed by the petitioner was dismissed by the Sub Divisional Canal Officer vide order dated 24.07.2020 and thereafter, the Divisional Canal Officer vide order dated 12.03.2021 partly accepted the revision by restoring the water course for one year from the date of its restoration. He submits that the impugned order by the Superintending Canal Officer was passed on 20.06.2022 and thus, one year has already expired. He fairly submits that the restoration of the water course by the Superintending Canal Officer for one year has already accepted and he has the apprehension that the same may be extended further.

However, he has fairly accepted that so far as no action has been taken for extending the one year period as granted by the Superintending Canal officer.

After arguing for some time, learned counsel for the petitioner prays for withdrawal of the present petition as the same is premature with liberty to the petitioner to avail his remedies as available to him in accordance with law as and when the situation so arise.

In view of the same, the present petition is dismissed as withdrawn with liberty aforesaid.

05.09.2023

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(RAJESH BHARDWAJ)
JUDGE

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