

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

CWP-30273-2019

Date of decision : 07.11.2023

Tek Chand and others

.....Petitioners

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Ajay Bhardwaj, Advocate
for the petitioners.

Ms. Upasana Dhawan, AAG, Haryana.

Ms. Neha Rana, Advocate
for respondents No.7 to 12.

RAJESH BHARDWAJ, J.

Prayer in the present petition is for directing official respondents No.1 and 2 to take appropriate action against respondents No.3 to 6 for non-initiation of any action against the private respondent, who are not allowing the petitioners to get the water for irrigation as per the warabandi fixed by the official respondents in an illegal manner and for not initiation of any proceeding against the private respondent as per law despite the fact that there is report of Zileadar Assandh, Karnal W/S Division Karnal. Further prayer has been made for directing official respondents to implement the warabandi effectively so that further loss to the crop of the petitioners be saved and for directing the respondent-department to calculate the loss caused to the petitioners due to their inaction, which has to be done in time bound manner and the same be compensated immediately. Further prayer has been made for directing

official respondent to restrain the agriculturist who are still using water at Tail of 21000 which was abolished in year 2003 and are causing hindrance to the petitioners to get the water from the sanctioned tail.

Learned counsel for the petitioners has submitted that the petitioners had filed various representations to the authorities for initiating action against respondents No.3 to 6 however, no action has been taken for redressal of the same. This Court issued notice to the respondents. In pursuance to the same, the State has filed the reply.

Learned State counsel has submitted that the necessary action on the complaint filed by the petitioners has already been taken by the State. She has invited the attention of this Court to the reply filed and has submitted that the land of the petitioners falls under Outlet No.17550/L Rodh Minor. It is submitted that as per record, petitioners No.1 to 3 were not actually cultivating their land and Sanjeev Kumar has been getting canal water from Outlet No.17500/L.Rodh Minor. It is further submitted that petitioners No.4 to 6 had been cultivating their land themselves. The statement of Sanjeev Kumar was recorded which is placed on record as Annexure R-1. On the other hand, joint statement of Balbir and Ramphal has been placed on record as Annexure R-2. Lambardar namely, Subhash and Sarbra Lambardar Rajeev made a joint statement to the effect that the petitioners have been getting the supply of canal water for their lands comprised in Rectangle No.62 Killa No.21 and Rectangle No.61 Killa No.1. Joint statement of the petitioners is annexed as Annexure R-3. Thus, the supply of the canal water to the lands of the petitioners had not been interrupted by anyone including private respondents No.7 to 12. It is also submitted that the petitioners was paying Abiana to the department in

lieu of canal water being taken for their fields. It is submitted that it is apparent that the grievance of the petitioners had already been redressed as all the petitioners are getting their due share of water without any interruption and thus, nothing survives in this petition for adjudication.

Learned counsel for respondents No.7 to 12 has also affirmed the above-said fact.

I have heard counsel for the parties and perused the record.

In view of the submissions made before this Court, it is apparent that the grievances of the petitioners had already been redressed, so the present petition is disposed of as infructuous. However, the petitioners would be at liberty to avail their legal remedies in case any cause of action so arises.

(RAJESH BHARDWAJ)
JUDGE

07.11.2023
m. sharma

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