

**In the High Court of Punjab and Haryana at Chandigarh****215****CWP-5651-2022 (O & M)
Date of Decision: August 09, 2024****SUNIL BHANWALA AND ORSPETITIONERS****VERSUS****STATE OF HARYANA AND OTHERSRESPONDENTS****CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA****Present: None for the petitioners.****Mr. Saurabh Mago, DAG, Haryana.*************G.S. SANDHAWALIA, J (ORAL)**

1. Petitioners seek setting aside the order dated 10.02.2022 (Annexure P-2) wherein permission was granted for lifting earth from the land measuring 41 kanals 13 marlas of Gair Mumkin pond/johad falling in village Butana Kund, Tehsil Gohana, District Sonapat. It is the case of the petitioners that the villagers had opposed the digging of the earth and as such representations have been given.
2. The stand of the State in its reply is that permission was given as per rules and guidelines contained in Haryana Government Gazette notification dated 20.06.2012 Mines and Geology Department, Haryana. Resolution No.1 dated 09.12.2021 was passed by the Gram Panchayat on the request made by respondent No.5-CDS for need of sand for the

construction of National Highway (NH-709) for Delhi-Amritsar-Katra Expressway. The land was reserved for Gair Mumkin pond/Johad and not for Gau Charand and the lifting of the earth would preserve the pond and at present the pond is not in existence on the land in question, though it is reserved as such and it would give a shape to the pond as the depth is less than one feet only. It was further pleaded that the lifting of the earth would be for the benefit of the gram panchayat and inhabitants of the village. Apparently the said reply was filed way back in April, 2022 and no replication has been filed to the same.

3. Counsel for the petitioner did not put in appearance on the last date of hearing and even today also, none is present.

4. Thus, we are of the view that the petition has been rendered infructuous as digging process would have now been completed as two years have gone by. In such circumstances, the petition is disposed of as having been rendered infructuous.

(G.S. SANDHAWALIA)
JUDGE

August 09, 2024
A.Kaundal

(MEENAKSHI I. MEHTA)
JUDGE

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