

2024:PHHC:069229



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

211

CWP-5935-2019

Date of Decision: 15.05.2024

GAJE SINGH AND ORS

... Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Piyush Aggarwal, Advocate
for the petitioners.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for directing the respondents to pay the compensation for the damaged crop to the petitioners as per policy (Annexure P-1) within a stipulated time period.

Learned counsel for the petitioner contends that in the month of August 2017, on account of breach of the canal, there was over flow of flood water in Drain No.8, as a result whereof there was inundation in the fields of the petitioners causing damage to the standing paddy crop to the extent of 75% to 100%. A report was forwarded to the Deputy Commissioner by the Tehsildar concerned that approximately 600 acres of land was damaged and this report was further forwarded by the Deputy Commissioner to the Government in the Department of Water Services Division. It was claimed that notwithstanding the aforesaid report having been submitted by the Deputy Commissioner, the respondents have not paid compensation for the entire area for the loss



sustained by the farmers on account of damage to the paddy crop due to inundation caused by breach of canal.

An affidavit by Deputy Commissioner had been filed on 30.05.2022 and in paragraph No.4 thereof it has been averred that a report was initially received in the month of August 2017 that there was water logging in about 500-600 acres of land in the revenue estate of village Surheti due to overflow of water from drain No.8. Water logging in approximately 600 acres of land was initially reported. It is submitted that although in some rectangle numbers specific khasra numbers were mentioned, however, certain rectangle numbers were taken as a whole. The said report was not a detailed report and was only an estimated report sent by the Field Officer, which was submitted by the Tehsildar to the Deputy Commissioner on 11.08.2017. Subsequently, during a detailed survey of land and preparation of khasra girdawaris for the Kharif crops for the year 2017, the actual khasra wise survey was conducted by the revenue officials by physically visiting the land and recording the khasra numbers for the year 2017 (Kharif season). As per the actual survey/physical visit, the damage to the Kharif crop was to the extent of 75% to 100% in the revenue estate of village Surheti and the same was found to be only in an area measuring 257 acres 03 kanals 19 marlas. The rest of the land was found cultivated for the Kharif crops. Thus estimated report dated 11.08.2017 was revised to 257 acres 03 kanals 19 marlas as against 600 acres submitted earlier. It is also reported that paddy crop could withstand excess water as long as the sapling remains above the water level. Hence, the entire crop in the area of 600 acres had not been adversely affected and that the damage was actually and physically caused only to 257 acres 03 kanals 19 marlas of land. A detailed

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report was received on 18.02.2019 which has been appended as Annexure R-1 alongwith the said reply. It is submitted that on the basis of abovesaid detailed report, the due compensation has already been released in favour of the aggrieved persons.

The aforesaid report having already been placed on record is not a subject matter of challenge in the present petition and thus the claim of the petitioners that the damage was actually caused to 600 acres of land is contradicted by the detailed report which is on record and is not a subject matter of challenge in the present petition. The same thus gives rise to disputed questions of facts, which cannot be gone into by this Court at this juncture.

Faced with the above, counsel for the petitioners does not wish to press the instant petition at this stage with liberty take recourse to the appropriate remedy as may be available to the petitioners.

Disposed of as not pressed at this stage with the liberty as aforesaid.

MAY 15, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No