



(107)

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

CWP-6376-2024 (O&M)

Date of decision:- 18.07.2024

Nardev Yadav

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: **HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE**
HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Gurminder Singh Phull, Advocate,
for the petitioner.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

* * * *

SHEEL NAGU, C.J. (ORAL)

1. This petition has been filed by the petitioner seeking the following reliefs:-

i) Issue writ in the nature of Certiorari to set aside the order dated 19.07.2023 passed by respondent No. 2 in Complaint No. SCN 7/2022 (Annexure P-2) as the said order does not reveal the true facts of the case and affects the livelihood of the petitioner.

ii) Further issue a writ in the nature of mandamus to the respondents to allow the present petitioner to continue with the use of borewell managed by the petitioner on the agricultural land of the petitioner as respondent No. 4 has neither exploited the borewell of the petitioner nor associated or connected with the borewell of the petitioner.



iii) Further also issue a direction/order in alternative to allow the petitioner to relocate the borewell and/or extract the machinery of the present petitioner which is sealed vide order dated 19.07.2023 passed by respondent No. 2 (Annexure P-2).

iv) Further issue a writ in the nature of mandamus to stay the operation of order dated 19.07.2023 passed by respondent No. 2 and allow the petitioner to use the borewell situated in the agricultural land of the petitioner during the pendency of the present petition.

v) Issue any other appropriate writ, order or direction which this Court may deem fit and proper in the peculiar facts and circumstances of the case.

2. During the course of pendency of this petition, the petitioner had confined his relief to seeking permission to remove the machinery installed for extraction of ground water for the use of Aastha Science Park Rural Development & Research Centre (Aastha Resort and Water Park).

3. On the direction of this Court, the State of Haryana has filed the status report dated 16.07.2024, *inter-alia*, informing as under:-

“3. That in compliance of the above orders passed by this Hon’ble High Court, communication was made by the deponent with the respondent No. 2 and vide Memo No. 2289 dated 27.06.2024, it has been informed by the Haryana Water Resources Authority (HWRA) that there is no objection for granting the limited relief as sought by the petitioner with the condition that the petitioner should file an affidavit before the Deputy Commissioner, Mahendragarh (answering respondent) that he will not use such machinery for extracting the ground level water for the use of Aastha Science Park Science Park Rural Development. Copy of letter dated 27.06.2024 is appended as Annexure R-1.

4. That the deponent wants to submit here that on receiving instructions in the office of respondent No. 3 from Haryana Water Resource Authority (Respondent No. 2) vide letter Memo No. 2289 dated 27.06.2024, the deponent communicated



the decision of the authority to the petitioner vide letter Memo No. 2174/DA dated 02.07.2024 and ask to file an affidavit before respondent No. 3 i.e. Deputy Commissioner, Mahendergarh for seeking permission to remove machinery which was installed for extracting ground water by mentioning therein that he will not use such machinery for extracting ground level water for the use of Aastha Science Park Rural Development & Research Centre. It is submitted that petitioner has submitted an affidavit before the office of deponent and copy of the same is forwarded to Haryana Water Resources Authority (Respondent No. 2) vide letter Memo No. 2249/DA dated 16.07.2024 for further necessary action. The copy of affidavit of petitioner and true translated copy of letter memo No. 2249/DA dated 16.07.2024 are attached as Annexure R-3 & R-4.”

4. It is not disputed at the Bar by learned counsel for the rival parties that the petitioner has filed an affidavit dated 12.07.2024 to the effect that the petitioner shall not use the machinery in question for extracting ground water for use in the said park.

5. In view of the affidavit furnished by the petitioner, the State of Haryana is ready and willing to return the machinery provided the promise extended in the affidavit by the petitioner is honoured.

6. In view of the above, nothing remains for adjudication in this petition and the same stands disposed of with the hope and expectation that the petitioner shall abide by the promise extended in the affidavit.

(SHEEL NAGU)
CHIEF JUSTICE

(VIKAS SURI)
JUDGE

18.07.2024
Amodh Sharma

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