

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

244

CWP-26998-2021 (O&M).
Date of Decision: 13.12.2023.

BALVIR RAM

.. Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: None for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in the present writ petition is for seeking issuance of directions to the respondents to grant compensation to the petitioner as the land of the petitioner diluvionated in the river due to releasing of 70000 cusecs water in Satluj river or to allot alternative equivalent land to the petitioner.

Reply on behalf of respondents No.1 to 4 and 8 by way of affidavit of Kuldeep Bawa, Sub Divisional Magistrate, Samrala, Tehsil Samrala, District Ludhiana, dated 21.07.2023, had been filed, wherein it has been averred that the petitioner had concealed the material facts. It is averred that the petitioner has no claim qua the land since the same was entered as *Gair Mumkin Reta* (Sand) in the revenue record since 2018. It is

further averred that the petitioner was called upon to provide “J” forms to prove that he was carrying cultivation of the said land and that any crop had ever been sown by him or sold but even the same was not supplied.

It is thus contended that the petitioner was never in cultivating possession of any such land. He further submits that the State had constituted a committee for verification of the allegations as regards the release of the 70000 cusecs of water in the river. The concerned Circle Revenue Officer and Sub Divisional Officer, of the Department of Drainage-cum-Mining Officer, Ludhiana, submitted the report on 06.02.2023. It was reported that Dhusi Bandh was constructed on Sutlej river in the area of Sri Machhiwara Sahib in the year 1964 and the Bandh is in-tact at the same place. There was no damage caused to the Bandh by the flow of water. The occurrence of the incident was accordingly denied by the respondents.

Even though, the aforesaid written statement had been filed by the respondents way back in the month of July, 2023, however, no replication to the same has been filed.

Similar, reply on behalf of respondents No.5, 6 and 7 by way of affidavit of Akash Aggarwal, Executive Engineer, Ludhiana Drainage Division, Ludhiana, dated 16.08.2023, had also been filed reiterating the aforesaid aspect which has remained uncontrverted.

It is also apparent from a perusal of the order sheets, that there is no representation on behalf of the petitioner for the last three dates successively. The position remains the same today as well. It seems that the petitioner is no more interested in pursuing the present writ petition.

Dismissed for non-prosecution.

October 13, 2023

raj arora

(VINOD S. BHARDWAJ)

JUDGE

Whether speaking/reasoned

Whether reportable

: Yes/No

: Yes/No