

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-2411-CWP-2024 in/and
CWP-11689-2014
Date of decision : 16.02.2024

RanjitPetitioner

versus

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Akshay Jain, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

Mr. Balsher Singh, Advocate for
Mr. J.S. Thind, Advocate
for respondents No.5 and 6.

RAJESH BHARDWAJ, J. (Oral)

CM-2411-CWP-2024

Present application has been filed for withdrawal of the main petition in terms of compromise dated 30.12.2023 (Annexure A-1) and affidavit dated 11.01.2024 (Annexure A-2) of the petitioner acknowledging the compromise.

Learned counsel for the petitioner has stated that the parties have compromised the matter and as such, the main writ petition which is fixed for 02.07.2024 be preponed to today and be decided on the basis of compromise.

Notice in the application.

Ms. Upasana Dhawan, AAG, Haryana has accepted notice on behalf of the official respondents and Mr. Balsher Singh, Advocate for

Mr. J.S. Thind, Advocate has accepted notice on behalf of respondents No.5 and 6.

Learned State counsel as well as learned counsel for respondents No.5 and 6 have pleaded no objection if the present application is allowed and prayer made by the petitioner is granted.

Consequently, the present application is allowed and the main case is preponed and is taken up on board today itself.

Main case

Prayer in the present petition is for quashing the order dated 09.04.2010 (Annexure P-8) passed by respondent No.3 and also the order dated 14.11.2013 (Annexure P-9) passed by respondent No.2 being illegal, arbitrary, unconstitutional and also against the provisions of the Haryana Canal and Drainage Act, 1974.

In view of the prayer made abovesaid in the application bearing **CM-2411-CWP-2024**, present petition is allowed to be dismissed as withdrawn in view of the compromise dated 30.12.2023 effected between the parties which is reproduced as under:-

“Today, on 30.12.2023, a Panchayat was held in Village Gigorani under the chairmanship of Sarpanch Shri Sandeep Kumar Beniwal wherein it has been decided that in regard to CWP-11689-2014, Ranjit Singh Vs. State of Haryana and others, which is pending in High Court, the same has been got compromised by the Panchayat. It has been decided therein and on the request of the Panchayat and the persons present the consent has been obtained from the landowners of the land comprised in Rect. No.49 Killa Nos.1/1/2, 10, 11 and 19 to lay underground RCC pipeline adjacent to the road in these Killa numbers. Ranjit son of Pat Ram will take the case pending in the High Court and in future in respect of this case

Ranjit or any of his family members will not make a claim of any type after laying the pipeline and will not claim any open water course except the RCC pipeline and will not claim any right of any passage over this pipeline and in future any of the shareholder will not create any obstacle towards laying of the pipeline by Ranjit son of Pat Ram and through this pipeline the shareholders can also use the pipeline for irrigation.”

The parties shall be bound by the terms of compromise and in case of any violation of terms by either of the parties, the other party will be entitled to have its remedy as per law.

16.02.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No