



222

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-9285-2016 (O&M)
Date of Decision:03.09.2024

SANJEEV KUMAR

..... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. C.M. Munjal, Advocate
for the petitioner.

Mr. Navneet Singh, Sr. DAG, Punjab.

Mr. Aman Sharma, Advocate
for respondent No.4.

Mr. K.B. Raheja, Advocate
for respondent No.5.

HARSH BUNGER J. (ORAL)

Petitioner (Sanjeev Kumar) has filed the present writ petition under Articles 226/227 of the Constitution of India *inter alia* seeking a writ in the nature of Mandamus, for directing respondents Nos.1 to 3, to get the removal of the illegal construction and encroachments made by respondent No.5 on adjoining land belonging to the Irrigation/Drainage Department of Punjab Government from respondent No.5.

2. Today, learned counsel for the petitioner informs that respondent No.5 had approached the Civil Court vide Civil Suit No. CS/135/2016, seeking decree of permanent injunction for restraining the State Authorities from causing any damage to the pacca portion on both sides of Sotha-Rupana link Drain at Burji No.7040-7700 and damaging/removing the covering lintel on the said pacca portion of the drain



and also from forcibly and illegally interfering into peaceful possession over the land measuring 7 kanal 16 marla situated at Village Rupna, Tehsil and District Sri Muktsar Sahib. It is also informed that the aforesaid suit has been partly decreed vide judgment & decree dated 07.02.2018 to the effect that the defendants (State authorities therein) were restrained from damaging/removing the covered lintel on the pacca portion of the drain regarding the remaining portion, which is not required for the construction purpose to the defendants' department, except in due course of law.

3. Learned counsel for the petitioner submits that at this stage, he may be permitted to withdraw the present writ petition with liberty to approach this Court, if need so arise.

4. Keeping in view the aforesaid submission made by learned counsel for the petitioner, the present writ petition is dismissed as withdrawn with the liberty aforesaid.

5. All pending application(s), if any, shall also stand closed.

03.09.2024

Pd

(HARSH BUNGER)
JUDGE

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| 1. Whether speaking/reasoned : | Yes/No |
| 2. Whether reportable : | Yes/No |