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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CWP-18118-2023
Date of Decision: 24.05.2024
..... Petitioner

Harchet Singh

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Lokesh Sharma, Advocate, for the petitioner.
Mr. Navneet Singh, Sr. DAG, Punjab.
Mr. J.S. Warring, Advocate, for respondent No.5.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for quashing the impugned orders dated 03.05.2023 and 22.06.2023 (Annexures P-6 and P-8) passed by respondents No.4 and 3, respectively, under Section 30 FF of the Northern India Canal and Drainage Act, 1873 Act (for short, ‘the Act’), being illegal, arbitrary and unconstitutional as having been passed without deciding the question of payment of compensation to the affected land owner/petitioner for utilizing his land in Rect./Killa No.145//21, contrary to the settled proposition of law. Further prayer has been made to direct respondents No.1 to 4 to follow the procedure mandated by the Act especially in view of the fact that the land of the petitioner in Rect./145//21 cannot be utilized with malafide intentions and for extraneous considerations i.e. forcefully utilization of the disputed temporary watercourse when there already exist the permanent watercourse.

After arguing for some time, learned counsel for the petitioner prays for withdrawal of the present petition with liberty to file application for compensation before the competent authority.

Allowed to do so.

Dismissed as withdrawn with liberty as prayed for.

In case, any such application is filed within two weeks from today, the competent authority is directed to decide the same expeditiously in accordance with law.

24.05.2024
sharmila

Whether Speaking/Reasoned :
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

Yes/No
:Yes/No