

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

CWP-28023-2022

Date of decision : 08.02.2024

Suresh

.....Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Lajpat Rai Sharma, Advocate for the petitioner.

Mr. Rajneesh Chadwal, A.A.G., Haryana.

Mr. Abhishek Pundir, Advocate for
Mr. M.S. Rana, Advocate for respondents No.9 to 11.

Mr. Ashok K. Sharma (Bhana), Advocate
for respondent No.13.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for issuance of writ in the nature of mandamus directing official respondents to restore the demolished watercourse to its original condition in the chak of outlet at RD 20000-R Barsola Minor of Village Alipura, Sub Division Uchana, District Jind by implementing the order dated 27.04.2021 (Annexure P-1) passed by respondent No.3 under Section 24 of the Haryana Canal and Drainage Act, 1974. Further prayer has been made to issue directions to the official respondents for proper implementation of order dated 27.04.2021 (Annexure P-1) passed by respondent No.3 under Section 24 of the Haryana Canal and Drainage Act, 1974 and also for taking appropriate action against the erring officials who are misusing their power and post in the administration of justice and just to ensure that the watercourse may not be demolished by private respondents No.9 to 11.

It has been contended by learned counsel for the petitioner that this Court vide order dated 06.04.2022 disposed of CWP-3632-2022 filed by the petitioner as infructuous on the ground that the water course was restored. He submits that after restoration of the water course it has been again dismantled and the respondent-authorities are also not taking cognizance of the complaint filed by the petitioner.

Learned counsel for the State, however, submits that the Khal in question was restored only for six months and now the petitioner has filed an application for sanctioning of the alignment of the water course and notice was issued in the same and it is pending consideration before the competent authority. He submits that the petition/application filed by the petitioner would be decided expeditiously in accordance with law.

After hearing learned counsel for the parties, it transpires that the Khal which was ordered to be restored was only for six months, however, the petitioner has already filed another application for sanctioning of the water course and the same is pending consideration.

In view of the same, the present petition is disposed of with a direction to the competent authority to consider and conclude the proceedings in the petition filed by the petitioner expeditiously preferably within a period of two months from today.

Petitioner would be at liberty to avail his remedies in accordance with law, if any further cause of action accrues to him.

08.02.2024

(RAJESH BHARDWAJ)
JUDGE*ps-I*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No