



CM-1110-CWP-2025 in/and
CWP-25782-2014 (O&M)

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

**CM-1110-CWP-2025 in/and
CWP-25782-2014 (O&M)
Date of Decision: 27.01.2025**

Dharam Singh

....Petitioner

Versus

Superintending Canal Officer and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. G.S. Bains, Advocate for
Mr. Vijay Sharma, Advocate
for the applicant/petitioner.

Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab.

Mr. S.S. Rangi, Advocate and
Mr. Didar Singh, Advocate
for the non-applicants/respondents No.3 to 7 and 9.

HARSH BUNGER, J. (Oral)

CM-1110-CWP-2025

This is an application filed by the applicant/petitioner under Section 151 read with Order 23 Rule 3 of the Code of Civil Procedure for deciding the writ petition (CWP-25782-2014) in view of the compromise deed dated 18.01.2025 (Annexure P-13).

Notice in the application to the counsel opposite.

Mr. Nirmaljit Singh Diwana, Sr. D.A.G., Punjab, who is present in the Court, accepts notice in the application on behalf of the non-applicant/respondent/State and on instructions from Mr. Suresh Sharma, Zildar Seel, Devigarh Division, Patiala, submits that he has no objection if the prayer made in the instant application is accepted and the writ petition



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(CWP-25782-2014) is disposed of in terms of compromise deed dated 18.01.2025.

At this stage, Mr. S.S. Rangi, Advocate and Mr. Didar Singh, Advocate appear and accept notice on behalf of the non-applicants/respondents No.3 to 7 and 9 and does not dispute the factum of compromise arrived at between the parties.

The terms of compromise deed dated 18.01.2025 (Annexure P-13) reads as under:

“Terms of Compromise:

- 1. That party no. 1 had filed application before Division Canal Officer Devigarh Division for restoration of demolished water course CD on eastern wat of bandobasti no. 28, 29 and E to F from bandobasti no. 196 alongside passage. The said application of party no.1 was allowed by Division Canal Officer vide order dated 20-12-2013 (annexure P-5 of CWP-25782-2014).*
- 2. That thereafter party no.2 filed appeal before Superintending Canal Officer, Bhakra Main Line Circle, Patiala challenging order dated 20-12-2013. Superintending Canal Officer vide order dated 24-9-2014 (annexure P-8 of CWP-25782-2014) allowed appeal of party no.2, and set aside order dated 20-12-2013.*
- 3. That thereafter party no.1 filed CWP-25782-2014 in the Hon'ble Punjab and Haryana High Court challenging order dated 24-9-2014 passed by Superintending Canal Officer. Above said CWP-25782- 2014 is pending for 27-1-2025.*
- 4. That both the parties have amicably settled the dispute and it has been agreed between the parties that water course CD on eastern wat of bandobasti no. 28, 29 and E to F from bandobasti no. 196 alongside passage as ordered by the Division Canal Officer vide order dated 20-12-2013 shall be restored, and in pursuance to this agreement underground pipeline has also been laid at point C to D.*



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5. *That in view of above compromise both the parties have no objection in case CWP-25782-2014 is allowed and order dated 24-9-2014 passed by Superintending Canal Officer is set aside and order dated 20-12-2013 passed by Division Canal Officer is upheld.*

6. *That it requires to mention here that Sukhwinder Kaur widow of Harinder Singh does not own any land in the village and her Whereabouts are also not known, therefore she has not signed this compromise. It further requires to mention here that Gurkirat Singh S/o Harinder Singh residing abroad and he has given attorney in favour of Charat Singh s/o late Surjit Singh as such Charat Singh has signed this compromise on behalf of Gurkirat Singh.”*

Keeping in view the statements made by learned State counsel as well as learned counsel for the non-applicants/respondents No.3 to 7 and 9, the application seeking disposal of the writ petition (CWP-25782-2014) is allowed in terms of the compromise deed dated 18.01.2025 (Annexure P-13) and as a consequence thereof, order dated 24.09.2014 (Annexure P-8), passed by learned Superintending Canal Officer, Patiala shall stand set aside and order dated 20.12.2013 (Annexure P-5) passed by learned Divisional Canal Officer, Patiala is maintained

Application is disposed of accordingly.

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1. In view of the order passed in CM-1110-CWP-2025, the present petition stands disposed of accordingly.

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

27.01.2025
Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No