



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(122)

CR No. 6572 of 2025 (O&M)

Date of Decision : 25.09.2025

Amit

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Akshay Kumar Goel, Advocate
for the petitioner.

Mr. Ajit Kumar Sharma, D.A.G., Haryana
for respondents No. 1, 3, 4 and 5.

Mr. Shokeen Singh Verma, Advocate
for respondent No. 2.

Amarinder Singh Grewal, J.

1. The Petitioner has filed the present Civil Revision petition under Article 227 of the Constitution of India for setting-aside the order dated 17.05.2025 passed by the learned District Judge, Charkhi Dadri, whereby the appeal preferred by the petitioner-plaintiff No. 3 and pro-forma respondents No. 6 and 7 (plaintiffs) against the order dated 09.07.2024 passed by the learned Civil Judge (Jr. Divn.), Charkhi Dadri was dismissed.

2. Brief facts of the case are that petitioner-plaintiff No. 3 and others filed a suit for permanent injunction, both prohibitory and mandatory, restraining the respondents-defendants, who allegedly in collusion with each other and by misusing their authority, intended to change the nature of land



comprised in Khasra No. 59 (24-0) – Johar Khatti (a pond), bearing Khewat No. 290, Khatuni No. 393, as per jamabandi for the years 2017-18 situated in Village Phogat, Tehsil and District Charkhi Dadri, without obtaining NOC from the Forest Department. The prayer was also made that if during pendency of the suit, respondents succeeded in constructing any water-works on Khasra No. 59, the same be demolished.

3. Notice of the suit as well as injunction application was given to the respondents-defendants. Learned Civil Judge (Jr. Divn.), Charkhi Dadri after hearing the arguments of the respective counsel, dismissed the stay application vide order dated 09.07.2024 holding that the plaintiffs have failed to establish that construction of the water house will result in nuisance or other wrongful acts which could affect the public, which is sine qua non for grant of injunction at this stage.

4. Aggrieved against the said order dated 09.07.2024, the petitioner-plaintiff and others preferred Civil Misc. Appeal No. 48 of 2025 dated 12.05.2025 before the learned District Judge, Charkhi Dadri and the learned District Judge, Charkhi Dadri upheld the findings of the trial Court and dismissed the appeal observing that no prima-facie case lies in favour of the appellants/plaintiffs and the learned trial Court has rightly dismissed the injunction application.

5. Learned counsel for the petitioner-plaintiff submits that the action of the Gram Panchayat in altering the use of gair mumkin Johar (Khatti) i.e. Khasra No. 59 (24-0) into a water house will result in loss of 3-4 acres of pond area. Learned counsel further relies upon the judgment of this Court in CWP No. 3221 of 2011 titled as ***Rajpal and another Vs. State of***



Haryana and others, decided on 22.11.2012, wherein, this Court had directed the State Government to ensure that in future gair mumkin Johars or Water bodies shall not be diverted for any other use but must be protected, cleaned and recharged. Thus, according to him, the proposed conversion is in violation of the aforesaid directions.

6. On the other hand, learned counsel for the respondents submits that there is a serious problem of drinking water in Village Gram Panchayat Phogat and a Resolution No. 2 dated 09.03.2023 was passed by the Panchayat for construction of a water tank in Khasra No. 59, which belongs to Gram Panchayat. Learned counsel further submits that 90% construction of the water house has been completed and the same has been undertaken for the benefit of the Village as there are 18,000 inhabitants in the Village.

7. I have heard learned counsel for the parties and have gone through the record with their able assistance.

8. The Hon'ble Division Bench of this Court in *Rajpal and another's case (supra)*, has held that in these times of falling water levels and scarcity of water, the Government and the Gram Panchayat are duty bound to ensure that water bodies are protected, cleaned and if deficient in water, recharged. Similarly, the Hon'ble Supreme Court of India in *Hinch Lal Tiwari Vs. Kamala Devi and others*, 2001(6) SCC 496, emphasized protection of village ponds and water bodies.

9. Coming to the facts of the case in hand, it is not disputed that the land in question i.e. Khasra No. 59(24-0) is recorded as gair mumkin Johar. It is also an admitted position that there is no water house in the Village and presently drinking water is being transported from other



Villages. The Gram Panchayat, therefore, undertook construction of a water house in the said Khasra, keeping in view the urgent necessity of providing drinking water to about 18,000 villagers.

10. In these circumstances, this Court is of the view that the action of the Gram Panchayat, though involving construction on a gair mumkin Johar, is primarily aimed at serving the larger public interest. The construction of a water house is for the benefit of the inhabitants of the village and does not appear to be a diversion for any commercial or non-public purpose.

11. Accordingly, finding no ground to interfere with the concurrent findings recorded by the Courts below, this revision petition is dismissed.

12. Pending miscellaneous application, if any, also stands disposed of.

September 25, 2025
kanchan

(AMARINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No