

124 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-29850-2025 (O/M)

Date of decision : 14.11.2025

Ravi Kant Puri

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Brajesh K. Kaundal, Advocate for
Mr. Aditya Pratap Singh, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG Punjab.

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HARSH BUNGER, J. (ORAL)

1. Prayer in the instant civil writ petition filed under Articles 226/227 of Constitution of India, inter alia, is for issuance of a writ in the nature of mandamus for directing respondent No. 2 (Department of Water Resources) to restrain respondent No. 5 (Nitin Sood) and respondent No. 6 (Jasbir Singh) from interfering in the peaceful possession of the land of the petitioner under the garb of notification dated 12.06.2024 (Annexure P-3).

2. Briefly, petitioner claims to be exclusive owner of land measuring 1 Kanal – 6.78 Marla bearing Khewat No. 1316/1298, Khatauni No. 2325 and 2326, Khasra No. 281 Min (66-7), 281 Min (14-0) (Kite-2), Totalling 80 Kanal – 7 Marla having 1/60 share situated in revenue estate of Anandpur, H.B. No. 336, Tehsil and District Pathankot, Punjab.

2.1 It is the case of the petitioner that he undertook partial construction on his plot to demarcate and secure its boundaries. However, soon after the construction began, respondents No. 5 and 6 approached him and directed him to stop the work. It is alleged that they first expressed interest in purchasing the said portion of land, which the petitioner declined. Subsequently, the petitioner was informed that the construction could not continue as the land falls within the jurisdiction of the Water Resources Department, Punjab, pursuant to notification dated 12.06.2024 (Annexure P-3).

2.2 Petitioner claims that thereafter he applied for grant of 'no objection certificate' from Municipal Corporation, Pathankot to resume his construction, however, same was denied on the plea that the area of the petitioner was notified as 'Khaddi Khad'.

2.3 Petitioner states that in order to gain more clarity, he sought information under Right to Information Act, 2005 (in short '2005 Act') and at the same time also instituted a civil suit (CS-454-2025) against respondents No. 5 and 6 herein, whereupon status quo order dated 30.04.2025 (Annexure P-5) was granted in favour of the petitioner, the relevant extracts of which read as under :-

“Heard. Record perused. The plaintiff has placed on record the above said documents in support of his contention. At this stage, if ad interim injunction is not granted in favour of the plaintiff, it will defeat the very purpose of the suit. Without commenting upon the merits of the case, prima facie case as well as balance of convenience is made out in favour of the plaintiff for grant of ad interim

injunction. Further, in absence of an ad interim injunction, an irreparable loss might occur to the plaintiff. Therefore, defendants, their agents, assignees, representatives, successors, employees are restrained from interfering into, encroaching upon, dispossessing the plaintiff (illegally and forcibly) from the exclusive ownership in possession of the open plot of land measuring 01 kanal 6.78 marlas marked by letters ABCD shown in red colour in the site plan attached, bounded as east road, west plot of Bimal Rani and others, north plot of Bimla Rani and others and south plot of Bimla Rani and other comprising of khewat No. 1316/1298, khatauni No. 2325 and 2326, khasra No. 281 Min (66-7), 281 Min (14-0), kite2, Tadadi 80 kanal 7 marlas having 1/60 share to the extent of land measuring 01 kanal 6.78 marlas, situated in revenue estate of Anandpur, HB No. 336, Tehsil and District Pathankot, till the next date i.e. 19.05.2025.

Compliance of order 39 rule 3 be made within 24 hours from the date of the order passed today failing which the exparte order shall be deemed to have vacated automatically.

Notice of the suit and application under order 39 rule 1 and 2 CPC be issued upon the defendants through ordinary process for 19.05.2025 on filing of requisite process fees, copies of plaint, registered cover and summons on prescribed proforma in duplicate duly counter signed by plaintiff/Ld. Counsel for the plaintiff. Dasti summons be issued, if required.”

2.4 On the other hand, in response to information sought by petitioner under 2005 Act, it was informed, vide reply dated 04.06.2025 (Annexure P-6) that in the notification, infact wrong khasra No. 28 has been mentioned, instead of khasra No. 281.

2.5 It transpires that subsequently, another notification dated 24.06.2025 (Annexure P-9) was issued, wherein aforesaid khasra No. 281 has been notified by Department of Water Resources, Punjab, under Section 55 read with Section 3 of Northern India Canal and Drainage Act for smooth flow of water in 'Khaddi Khad'.

2.6 It appears that petitioner has submitted representations dated 12.06.2025 (Annexure P-7) and 06.09.2025 (Annexure P-8), alleging harassment by respondents No. 5 and 6.

3. In the backdrop of aforementioned circumstances, the petitioner has filed the instant civil writ petition before this Court seeking relief(s), as noticed hereinabove.

4. A specific query was raised to learned counsel for the petitioner as to whether the petitioner has laid any challenge to notification dated 12.06.2024 (Annexure P-3) and subsequent notification dated 24.06.2025 (Annexure P-9), whereby the land comprised in Khasra No. 281 has been notified by the Department of Water Resources, Punjab, however, the response of learned counsel for petitioner was in negative.

5. Keeping in view the aforementioned fact that the petitioner has not laid any challenge to notification dated 24.06.2025 (Annexure P-9) and also considering the fact that for protecting his possession over 1 Kanal – 6.78 Marla, comprised in Khasra No. 281, petitioner has already approached the civil court and status quo order dated 30.04.2025 (Annexure P-5) already stands granted; no further order is required to be passed in this petition and the same is accordingly dismissed. However, petitioner would be at liberty to pursue his remedy

before the civil court and/or any other remedy, as may be available to him, in accordance with law.

6. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

14.11.2025
sjks

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No