

2025:PHHC:042966



S. No.241

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

CR No.4504 of 2023 (O&M)

Date of Decision:28.03.2025

Davinder Singh and others

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. M.L. Sarin, Senior Advocate with
Ms. Hemani Sarin, Advocate for the petitioners.

Mr. Rajiv K. Takkar, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Nobody has appeared on behalf of respondents No.3 to 6 who have been duly served. As such, they are proceeded against ex parte for the purpose of this revision.

2. In Civil Suit bearing CIS No.878-2019 filed by plaintiffs – Davinder Singh and others (appellants herein), application under Order 39 Rules 1 and 2 CPC moved by them, to restrain the defendants- respondents from carving out any water channel on the surface or through underground pipes in the suit land owned by the plaintiffs, was dismissed by the trial Court on 18.10.2019 vide Annexure P.8 and that order has been affirmed by the Appellate Court vide order dated 11.07.2023 (Annexure P.9).

3. The petitioners herein – plaintiffs assailed the afore-said order. While issuing notice of motion, this Court vide order dated 10.08.2023, directed the parties to maintain status-quo.

4. Today, learned State Counsel appearing for respondents No.1 and 2 has drawn attention towards para No.6 of the reply as filed before this Court by

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way of affidavit of Shri Baljit Singh, Block Development and Panchayat Officer, Gurdaspur, Punjab on behalf of respondents No.1 and 2 which reads as under:-

“That upon notice, the answering respondent appeared and filed reply (Annexures P-4 & P-5) by mainly stating that neither there is any proposal to put waste water in the land of the petitioners nor any drain is being constructed in their land. It was further alleged that the Gram Panchayat had approached the connected authorities for permanent solutions for draining out waste water and a site plan to this effect had been prepared by the concerned authorities.”

5. Learned State Counsel has made a specific statement that as of now, there is no proposal to construct any drain in the land of the petitioners detailed in the plaint.

6. As such, the present revision petition is hereby disposed of by directing the parties to maintain status-quo regarding the property in dispute, till the disposal of the suit before the Court concerned. It is made clear that the trial Court will not be influenced by any of the observations made by this Court, while deciding the lis on merits.

March 28, 2025

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(DEEPAK GUPTA)

JUDGE

Whether Speaking/reasoned Yes/No

Whether Reportable Yes/No