



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.14774 of 2024
Date of Decision: 18.07.2024

Nirpal Singh and others
...Petitioners

Versus

State of Punjab and others
...Respondents

CORAM: *HOB’BLE MR. JUSTICE G.S. SANDHAWALIA*
 HON’BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Ms. Ritika Sachdeva, Advocate
 for the petitioners.

 Mr. Shekhar Verma, Additional A.G., Punjab
 for the respondents.

G.S. Sandhawalia, J.(Oral)

The prayer in the present writ petition is to cancel the tender allotted to respondent No.6 for mining in the area, i.e Villages Sotal, Sion Majra, Kutbiyal, Churwal, Jamalpur Lehli, Ghoot-1 and Ghoot-2, Samgali Colony, Raur, on the ground that it is causing unnecessary hardship to the petitioners, who are having their agricultural land in the surrounding areas.

2. The petition as such does not give the details of the agricultural land of the petitioners and in which village(s) the petitioners own the land. Even the Memo of Parties has only description of the residence of the petitioners, i.e Sotal and Sion Majra and the extent of the land owned at a location is not being specifically mentioned.



3. The allegations as made against respondent No.6 are that mining is being done irresponsibly without following proper procedure and no action has been taken despite their representation (Annexure P-1). As per the representation, mention is made to other villages apart from the villages the petitioners are residing in and there is no detail regarding the land which is stated to be mined or owned by them. A response has been filed by way of an affidavit of the District Mining Officer-cum-Executing Engineer, Rupnagar.

4. In contrast, the stand of the State is that the Siswan River is a seasonal river which flows mainly during the rainy season and to keep the water on a safe and determined path desilting is important so that the average width of river and water carrying capacity can be increased. It is averred that due to the heavy discharge/floods during the monsoon season of 2023, the areas of villages Sotal and Mugal Majri got silted up and thus, it is important to desilt the Siswan River from RD 41328 to 60024. As per the notification dated 21.12.2023 (Annexure R-1), the project of desilting of Siswan River was approved by the State Technical Advisory Committee for appraisal in its meeting held on 01.03.2024 under the Chairmanship of the Principal Secretary, Water Resources, Department of Punjab and the copy of the same is attached as Annexure R-2 and the item is mentioned at Sr. No.(iii), which reads as under:-

<u>(iii)Desilting of River Siswan to save abadies and c/land of</u>	i. Regarding query of falling of any forest in this desilting site, EXECUTIVE ENGINEER	Approved
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<u>Village Goslan,</u> <u>Sihomajra,</u> <u>Mugal Majri,</u> <u>Adrera, Sotal of</u> <u>District Ropar</u>	concerned reported that the forest land under LPPA is shared with the DFO to which he agreed. ii. DC Rupnagar conveyed that demarcation is to be done and the forest land will be excluded in the desilting project. iii. The committee considered the proposal at length and after going through all the observations made by the members, the proposal was approved by the committee.	
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5. The online tender is stated to have been floated on 05.03.2024 and opened on 26.03.2024 and the K-3 Permit for desilting on the Siswan Nadi to save *abadies* and the agricultural land of village Goslan, Sihomajra, Mugal Majri, Sotal of District Ropar, was accordingly approved on 24.04.2024 by the Chief Engineer Drainage-cum-Mining and Geology Water Resources, Department of Punjab (Annexure R-4). After getting all the necessary approvals on 15.05.2024, the contract of work was given to M/s Royaldeep Constructions Pvt. Ltd for desilting for 70 days (Annexure R-5).

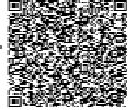
6. It is, thus, the case of the State that the desilting work of Siswan Nadi was started on 21.05.2024 after conducting a drone survey of site including Digital Elevation Modelling of the site which was duly monitored by the Junior Engineer of the Department. Every vehicle/Tipper was monitored by the said official by issuing online generated weighment slips at



the site. The local villagers had protested many times against the desilting work at the site and only 5% of the work has been completed upto 21.06.2024. The land compensation @ Rs.2/- per cubic feet will be paid to the owners of the land under the desilting work but due to the stoppage of work, the work could not be completed and thus, the locus-standi in favour of the petitioners has also been highlighted.

7. Learned Counsel for the State further submits that the work is being mainly opposed by the persons belonging to a political background and to catch the attention of the villages as the Panchayat elections are around the corner. Another reason for the opposition to the desilting is that some of the persons are farming the land inside the rivers and are obstructing the free flow of the river and they fear that they will lose the land they had illegally encroached. Respondent No.6-Yuvraj Mining Company is stated not to be the contractor and thus, the filing of the writ petition has been opposed.

8. Keeping in view the stand, as now taken by the State, which is apparently different from the one pleaded by the petitioners, the State is taking welfare measures to ensure that during the monsoon season, due to the heavy flow that passes through the seasonal river, the water flows freely and the depth of the river bank is increased and the flow is restricted within the river bed. Apparently, the said process by the State as per the decision taken in its meeting held on 01.03.2024 is not only to a particular area but it is to all various river basins including River Sutlej, Kathgarh Choe, River Siswan, River Sagrao, River Ravi, River Ghaggar, River Tangri. The well



known phenomenon is, thus, the choe-belt which criss-crosses the Shivaliks has heavy inflow of the water from the hills during monsoon which leads to flooding, which is detrimental to the agricultural land situated around these Rivers. The purpose of the desilting is to ensure that the *abadies* in other villages situated close to these Rivers are not effected. It is, thus, apparent that for motivated purposes, the present litigation has been filed to safeguard the personal interest of the persons, who are in unauthorized occupation of the land falling in the river bed and are cultivating on random basis on account of the silting, which takes place.

9. In our considered opinion, there is no merit in the present writ petition. The present writ petition is dismissed accordingly. Rather, we refrain ourselves from imposing exemplary costs.

10. It is, however, expected that the State will endeavour on the contractors to complete the work so as to ensure that the desilting process is carried out since the monsoon spreads over these areas upto 03 months and the work is completed to its maximum capacity for the benefit of the residents of the said area.

(G.S. SANDHAWALIA)
JUDGE

18.07.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No