

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

**CWP-4782-2015
Decided on : 09.04.2015**

Hazara Singh and another

..... Petitioners

VERSUS

State of Punjab and others

..... Respondents

CORAM: **HON'BLE MR. JUSTICE RAJIVE BHALLA**
HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: **Mr.P.S.Khurana, Advocate, for the petitioners.**

**Mr.Rajinder Goyal, Addl.A.G., Punjab,
for respondents No.1 to 4.**

Mr.Hardip Singh, Advocate, for respondent No.5.

RAJIVE BHALLA, J. (ORAL)

By way of this order, we shall dispose of CWP-4782-2015, CWP-4794-2015, CWP-4813-2015 and CWP-4785-2015.

The petitioners pray for issuance of a writ of certiorari, restraining respondents No.2 and 3 from depriving the petitioners of the source of irrigation to their field and or removing pipelines laid by the petitioners beneath the land, in dispute.

After considering the submissions made by counsel for the petitioners, the following order was passed on 18.03.2015: -

“Counsel for the petitioners submits that the Gram Panchayat has allowed the petitioners to place underground pipes in *Shamilat Deh*. The land has, however, been leased out by the Gram Panchayat to the Government for setting up a training centre for the police but as the Government has not paid the lease money, the Gram Panchayat has filed a civil suit for cancellation of the lease. The State of Punjab is, however,

proceeding to take possession of the land and uproot the petitioners' pipes.

Notice of motion for 25.03.2015.

At the asking of the Court, Mr. R.S.Randhawa, Addl.A.G., Punjab, accepts notice on behalf of respondents No.1 to 4 and prays for time to file reply/seek instructions. Two copies of each writ petition be handed over to counsel for the State of Punjab during course of the day.

The Gram Panchayat-respondent No.5 be served by dasti process.”

A short reply by way of affidavit of Mr. A.K.Pandey, Dy.

Inspector General of Police, Special Protection Unit, Punjab, Chandigarh, filed in Court today, is taken on record. A relevant extract from the affidavit, reads as follows: -

“2. That Punjab Police Housing Corporation, which has been assigned the work of construction at village Chharbar for establishing the specialized Training Centre, has informed that no underground pipeline has been touched or removed by the Punjab Police Housing Corporation till date, so as to disturb the irrigation facility of the petitioners.

3. The Punjab Police Housing Corporation has also informed that if a pipeline coming underneath a building has to be diverted, then it will be replaced by new pipes of the same bore with ISI markings. In the proposed map, diversion at six places have been shown for construction of buildings. The Punjab Police Housing Corporation has suggested that a complete new pipelines of same specifications and diameter with ISI marking can be laid underneath on the parameter of the complex as the existing pipeline are 33 years old and it will also ensure that there is no hindrance in irrigation during construction or laying of new pipelines.

4. That replacement of underground pipeline will be done by the Punjab Police Housing Corporation and the complete expenditure of about Rs.10-15 Lax approximately shall be borne by the Punjab Police Housing Corporation and the petitioners or villagers will not bear any expenditure for laying new pipelines.

5. That in no way the irrigation facility and flow of water in existing pipeline shall be affected during construction or change of pipelines. Therefore, it will not affect the livelihood of the petitioners and the petitioners would not be made to suffer any loss or incur any expenditure from their own pocket. Hence, the petitioners have no cause of action for filing this writ petition.”

Counsel for the petitioners states that in view of the undertaking recorded in the affidavit, the petitioners do not press the prayer in the present petition.

We have heard counsel for the parties and in view of the affidavit filed by Mr. A.K.Pandey, Dy. Inspector General of Police, Special Protection Unit, Punjab, Chandigarh, dispose of the writ petition as infructuous but with a direction to respondents No.2 to 4 to comply with their undertaking recorded in the affidavit, filed in Court today.

[RAJIVE BHALLA]
JUDGE

09.04.2015
Shamsher S.Sabharwal

[AMOL RATTAN SINGH]
JUDGE