

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

CWP No. 15144 of 2015 (O&M)

Date of decision : 7.1.2016

Joginder Pal

... Petitioner

VS

State of Haryana and others

... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Baldev Singh, Advocate for the petitioner.

Mr. Naveen Kaushik, Additional Advocate General, Haryana.

Mr. Vivek Chauhan, Advocate, for respondent no.5.

Rajesh Bindal, J.

The petitioner has filed the present petition impugning the communication dated 28.4.2015 (Annexure P-4), vide which the application filed by the petitioner seeking permission to instal tubewell for agricultural purposes was rejected. The reason assigned was that permission cannot be granted in terms of the order passed by this Court.

Learned counsel for the petitioner referred to an order dated 27.5.2013 passed by this Court in CWP No. 20032 of 2008 *Sunil Singh vs The Ministry of Environment & Forests and others* in which exception was carved out for installation of tubewell for extraction of groundwater for agricultural purposes.

In reply, the stand taken by the State is that a public notice has been issued by the Central Ground Water Authority vide which District Gurgaon was declared as notified area relating to regulation of groundwater abstraction. Further the data was referred to show that in the area where the petitioner seeks installation of tubewell, the groundwater was over exploited to the extent of 232%.

Respondent no.5 in its reply has referred to the instructions issued regarding exploitation of groundwater. It is sought to be claimed that in terms thereof, the petitioner cannot be permitted to instal a tubewell.

After hearing learned counsel for the parties, it is evident that the ground on which the application of the petitioner for installation of tubewell was rejected cannot be sustained, as this Court vide order dated 27.5.2013 had carved out the exception for installation of tubewell for extraction of groundwater for agricultural purposes. However, the rejection of application has been sought to be justified on the ground that certain instructions and guidelines have been issued for the purpose. Those are not forming part of the reasons assigned for rejection of the application, hence, cannot be considered at this stage as the order is to be justified on the reasons assigned in the order.

Considering the aforesaid facts, in my opinion, the impugned order dated 28.4.2015 (Annexure P-4), deserves to be set aside. The application filed by the petitioner seeking permission to instal tubewell connection be considered afresh by the competent authority in terms of the provisions of the law and relevant instructions.

The writ petition stands disposed of accordingly.

7.1.2016
vs

(Rajesh Bindal)
Judge