

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

Civil Writ Petition No.11953 of 2014
Date of Decision: March 24, 2017

Harinder Singh & others

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.IPS Doabia, Advocate,
for the petitioners.

Mr.Yatinder Sharma, Addl.A.G.Punjab,
for the State.

Mr.N.S.Chahal, Advocate for
Mr.J.S.Brar, Advocate,
for respondent Nos.7 to 31.

AMIT RAWAL, J. (Oral)

The grievance of the petitioners in the present writ petition is that as per the Map (Annexure P-8), the respondent-State is coming out with the construction of a drainage starting from Village Khirkian Wala and ending in Village Bhullar without framing the scheme as per the provisions of Sections 30-A and 57 read with Rule 63-A of the Northern India Canal & Drainage Act, 1873, which, according to Mr.Doabia also pertains to the drainage.

Mr.Yatinder Sharma, learned Additional Advocate General, Punjab representing the State, on instructions from the SDO Jagjit Singh, Sri Muktsar Sahib, submits that for removal of sem water, no objection from eight departments has already been taken and only from two departments,

i.e., forest and canal, it is yet to be taken. He further submits that before undertaking the task, the State shall frame the scheme and invite the objections in accordance with law. The petitioners are at liberty to raise objection in case such scheme is promulgated as the stand of the State is that the digging of the drainage is on the land belonging to the State. The only apprehension of the petitioners is that owing to the execution of the work, their agricultural land would be rendered infertile as the villages are located on the lower level. Let this exercise be done as expeditiously as possible in accordance with law.

With the aforementioned observations, the writ petition stands disposed of.

March 24 , 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No