

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

CWP No. 26091 of 2017 (O&M)

Date of Decision: 15.11.2017

MALKIT SINGH

... Petitioner

VS.

STATE OF PUNJAB AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: Mr. J.S. Warring, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

Learned counsel for the petitioner inter alia contends that the petitioner had applied for laying down of 6" pipeline under the watercourse/siphon in order to irrigate his land measuring 0 Kanal - 16 Marla which is otherwise being irrigated by him through water tankers.

Respondent No. 4 made an enquiry on the application and recommended 6" pipeline as demanded. Thereafter, the Deputy Collector passed the order dated 19.09.2016 sanctioning the laying down of the said pipeline. The said order is under challenge before respondent No. 2. The petitioner had to file civil suit for permanent injunction because the private respondents were time and again uprooting the water pipe line. The petitioner has approached this Court against the report dated 06.07.2017 of respondent No. 4 which is contrary to the previous two reports in which he had recommended for laying down of the water pipeline.

It is submitted that respondent No. 2 has already reserved the order and the same has not been pronounced yet. It is also submitted that two other matters are pending before respondent No. 3 in regard to warasikni i.e.

CWP No. 26091 of 2017 (O&M)

uprooting of pipes laid down by the petitioner for which he has prayed that respondent No. 3 may be directed to decide the same as early as possible.

I have heard learned counsel for the petitioner and after perusal of the record, am of considered opinion that so far as the report dated 06.07.2017 is concerned that has already been taken into consideration by respondent No. 2 and the order thereof has been reserved. The petitioner might have as well challenged the correctness of the said report before him and thus, respondent No. 2 would take an appropriate decision in regard to the validity of the report. Therefore, the first prayer of the petitioner to set aside the report dated 06.07.2017 of respondent No. 4 is hereby rejected.

In so far as the second prayer of the petitioner directing respondent No. 3 to decide the report with regard to uprooting of the pipeline is concerned, respondent No. 3, if he seized of the said matter, as stated, shall decide the same after associating the petitioner and by passing a speaking order as early as possible preferably within a period of one month.

With these observations, the petition stands disposed of.

November 15, 2017

Suresh Kumar

(RAKESH KUMAR JAIN)
JUDGE

		✓		
Whether speaking / reasoned :	Yes	/	No	
Whether Reportable :	Yes	/	No	