

**113 + 225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 5122 of 2016(O&M)

Date of decision : 19.04.2017

Randhir Singh and others

..... Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr.Vaneet Khosa, Advocate
for the petitioners.

Ms.Monica Chhibber Sharma, DAG, Punjab.

AMIT RAWAL, J.

CM No. 5499 of 2017

CM allowed. Reply filed on behalf of respondents No. 1 to 4

CWP No. 5122 of 2016

The petitioners have approached this Court with the following prayers:-

Issuance of a writ in the nature of mandamus directing the respondents to give/release adequate water as per law in the canal and to check/inspect outlets No. 128647/R. 128637/R, 127767/R, 128289/L situated at a canal known as Lambi miner canal with a further direction to maintain free board level of 1.64feet and full supply discharge of 90.48 cusec in Burzi No. 128767/Fall as mentioned in the record of irrigation department by installing the 'water gauge' on abovesaid fall, on the premise that as per the provisions of Punjab Irrigation Manual(Revenue and water Supply) each section subordinate will carry out an independent check of all

outlets in his section during the year which will be entered in an outlet check note book of the form given in Appendix K.; design gauge on the upstream of the outlet should be duly demarcated so that people would know if they are drawing the discharge in excess or below the authorised; due to lack of water the farmers have to use underground/tubewell water which is not useful as per laboratory reports; the expenses are also higher and the land of the petitioners is also becoming banjar every day because of harmful/salty underground water . In view of the aforesaid provisions by the respondents the petitioners were not able to draw the water from the outlet resulting into less discharge of the water as indicated above.

Ms.Monica Chhibber Sharma, learned DAG has drawn the attention of this Court to the written statement filed on behalf of the State particularly to para 1 of the preliminary objections to the effect that the Lambi distributary was rehabilitated/reconstructed during the month of March and April, 2016 and due to shortage of time fall at RD 128767 could not be remodelled at that time and the same has now been remodelled. In view of the stand taken in the written statement the grievance of the petitioner(s) stand vindicated. There is no shortage of the discharge and no loss of any irrigation.

In view of the stand of the State, the grievance of the petitioner(s) is vindicated and the petition stands disposed of.

(AMIT RAWAL)
JUDGE

April 19, 2017
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No