

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

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Civil Writ Petition No.7483 of 2019

Date of Decision: March 18th, 2019

Tara Chand

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Peeush Gagneja, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the order dated 04.06.2009 (Annexure P-4), order dated 30.06.2016/08.07.2016 (Annexure P-6), order dated 29.11.2016/06.02.2017 (Annexure P-7), order dated 03.12.2018 (Annexure P-8) passed by the canal authorities as well as the order dated 21.01.2019 (Annexure P-9) passed by the Deputy Commissioner, Fazilka, District Fazilka, whereby sanction has been granted by the Deputy Commissioner, Fazilka, to lay down the underground water pipes on the Government land.

2. It is the contention of learned counsel for the petitioner that the underground water pipes, which are being sought to be laid by the respondents, would go through the land of the petitioner. His further contention is that the land, on which the underground pipes are being sought to be laid down, is adjacent to the water canal and because of laying down of those water pipes, it would lead to weakening of the canal resulting in difficulty in maintenance of the canal. Prayer has thus been made for setting aside the impugned orders.

3. I have considered the submissions made by learned counsel for the petitioner and with his assistance, have gone through the records of the

impugned orders as well as the attached documents but do not find any merit in the submissions of the counsel for the petitioner.

4. Laying down of underground pipes, in the considered opinion of the Court, would not in any manner adversely affect the interest of the petitioner as the water which is being drawn by the petitioner for irrigation purposes, will not be effected. Further the underground pipelines, which are being sought to be laid, are on Government land and further would save water by reducing evaporation thereof. The question raised by the counsel for the petitioner that the laying of underground water pipes by the side of the water channel will lead to weakening of the support wall of the canal, are aspects which are too technical in nature to be gone into by the Court and it is for the competent authority to take a decision thereon, which has been so done by the authorities, who are authorized by the statute and, therefore, do not call for any interference by this Court in exercise of its writ jurisdiction.

5. The writ petition, therefore, stands dismissed.

March 18th, 2019
Puneet

AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No