

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.15095 of 2018
Date of Decision:02.03.2020

Gurmail Singh and others

.....Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. K.B.S.Mann, Advocate
for the petitioners.

Mr. Abhaypal Singh Gill, AAG., Punjab.

LISA GILL, J(Oral).

This writ petition has been filed by the petitioners, who are residents of village Thandewala and Bhullar, seeking exemption from the rigours of the provisions of the Punjab Preservation of Sub Soil Water Act, 2009, in respect of cut of dates regarding sowing of paddy.

It is submitted that the petitioners are entitled to the exemption provided for in Section 3 (3) (c), of the Act, as the land in their villages, is water-logged. It is further submitted that insofar as village Bhullar is concerned, it was declared to be water-logged, vide notification dated 21.07.2015 (Annexure P-4) and thereafter, on a survey being conducted again, the village was found to be water-logged and notification dated 11.09.2017, was issued in respect to village Bhullar.

Learned counsel for the petitioners submits that the land of

village Bhullar, is still water-logged and the survey is required to be conducted yet again as notification dated 11.09.2017, is for a period of two years. In respect to village Thandewala, it is pointed out that the survey has not been conducted till date. The petitioners are suffering immensely on this account.

Learned counsel for the State, is unable to deny that the survey of village Thandewala, has not been conducted till date and the survey of village Bhuller, is to be re-conducted.

Keeping in view the facts and circumstances as above, the respondent-authorities are directed to conduct a survey of the petitioners land along with other adjoining areas as may be necessary and a report regarding the area being water-logged be submitted. On receipt of the report of the survey, if it is found that the area of these villages, is still water-logged, necessary notification be issued by the State Government in accordance with law, within one week, thereafter. Needless to say, this exercise be carried out well before the commencement of the next season of paddy plantation.

Writ petition is accordingly disposed of.

02.03.2020
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.