

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-7810-CWP-2021 in/and
CWP-10802-2021 (O&M)
Date of Decision: July 12, 2021**

SURINDER ANEJA AND OTHERS PETITIONER(s)

Versus

STATE OF HARYANA AND OTHERS RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Nischal Chetanya Manchanda, Advocate
for the applicants/petitioners.

Mr. Ashish Yadav, Addl. A.G., Haryana
for respondent no.1.

Mr. Baldev Raj Mahajan, Sr. Advocate with
Ms. Nikita Goel, Advocate
for respondents no.2 to 5.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

CM-7810-CWP-2021

Prayer in this application is for preponement of hearing of this writ petition.

Notice of the application.

Mr. Ashish Yadav, Addl. A.G., Haryana, appears on behalf of respondent no.1 and Ms. Nikita Goel, Advocate appears on behalf of respondents no.2 to 5. Learned counsel do not raise any objection, if the application is allowed.

Application, duly supported by an affidavit of the applicant, is allowed. Hearing of the writ petition i.e. CWP-10802-2021 is preponed from 20.09.2021 for today itself.

CWP-10802-2021

Learned senior counsel for respondents no.2 to 5 submits that this writ petition is rendered infructuous as Clause 12 of Circular No.11/2021, issued on 01.05.2021 (Annexure P11), has since been withdrawn vide Circular dated 25.06.2021. Copy of Circular dated 25.06.2021 has been circulated on the WhatsApp group created for the purpose of video conferencing. A print out of the same be taken and attached with this file.

Prayer in this writ petition is for quashing of Clause 12 of Circular No.11/2021 issued on 01.05.2021 by the Chief Engineer (Annexure P11) as well as subsequent notices dated 26.05.2021/27.05.2021 (Annexure P12) for cancellation of application by the petitioners for agriculture tube-well electricity connection. The petitioners were intimated vide said notice/s that their land falls within command area of canal, therefore, they were called upon to submit 'No Objection Certificate' from the Irrigation Department, failing which their applications for release of agriculture tube-well electricity connection would stand cancelled. Petitioners have agitated that they had submitted applications way back for release of agricultural electricity connection. Requisite formalities stood completed by the petitioners, therefore, denial of electricity connection on the basis of Clause 12 of Circular dated 01.05.2021, is illegal and arbitrary.

Clause 12 of Circular No.11/2021 reads as under:-

“No connection will be released in the command area of a Canal (definition in this regard as informed by Engineer-in-Chief, Irrigation & Water Resources Department, Haryana is annexed as Annexure-II. SDO (OP) shall confirm from the concerned XEN/SDO Irrigation regarding the extent of command area.”

It is the specific case of respondents no.2 to 5 that said Clause 12 stands withdrawn. As a necessary corollary, notice/s issued in tune with Clause 12 are stated to be withdrawn.

Mr. Mahajan, learned senior counsel for respondents no.2 to 5 submits that in case, petitioners submit applications before the authorities to show that conditions as spelt out in Circular dated 25.06.2021 stand complied by them, necessary action shall be taken immediately thereafter.

Keeping in view the facts and circumstances as above, this writ petition is disposed of as infructuous.

Needless to say, in case, petitioners move the requisite applications within 15 days, necessary action thereon be taken expeditiously.

12.07.2021
Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No