

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

CWP-16733-2021 (O&M)

Date of decision: 01.09.2021

Dalip Chand and others

....Petitioners

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Lekh Raj Sharma, Advocate for the petitioners

Mr. Samarth Sagar, Addl. AG, Haryana

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Through this writ petition, the petitioners pray for the following substantive reliefs:-

“(I) A writ of appropriate nature particularly certiorari seeking/setting aside the action/s of the respondents which prohibits the laying down of underground pipeline through watercourse 'khal' adjoining the field of the petitioners, under the supervision of the village Panchayat, other officers respondents and irrigation department.

(II) Further a writ in the nature of mandamus directing the village Panchayat to divert the dirty water of village sewerage falling in watercourse 'khal' adjoining to field of the petitioners which is meant for irrigating the petitioners agricultural land width of which is 11 feet wide.

(III) Further writ of mandamus directing the respondents to remove the encroachment made by the private people opposite to the land of petitioners which is causing hindrance in the smooth passage of the villagers.

(IV) Also direct to the respondents police authorities to provide the police force to the petitioners so as to complete the fencing of the

agricultural land and complete the remaining construction work and protection of the life and liberty of the petitioners may kindly be ensured as the mighty people of the village are threatening them to face dire consequences in case the petitioners dares to complaint against the illegal operation and also dares to seek the diversion of the dirty water of village sewerage into the field of the petitioners through watercourse/khal.

(V) To pass any writ, order or direction which this Hon'ble High Court may deem fit and proper in the peculiar facts and circumstances of the present case and writ petition be allowed with cost and during the pendency of the writ petition the irrigation department may be directed to ensure the proper supply of the water for the field of the petitioners.”

The petitioners claim that they are the owners of 54 acres of land and an adjoining water channel, used for irrigating the land of the petitioners, has become polluted due to various reasons based on the conduct of the official respondents. The civil suit is also pending in this regard.

On 27.08.2021, Sh.Samarth Sagar, Addl. AG, Haryana, was requested to get complete instructions and assist the Court.

Sh. Samarth Sagar, on instructions from Sh. Ramesh Kumar, BDPO, Dabwali, has submitted that the Gram Panchayat, Village Khuian Malkana, Tehsil Dabwali, District Sirsa, has already passed a resolution and forwarded it to the State Government for providing alternative water channel to the petitioner. He has submitted that due to expansion of the Abadi/residential area, the water channel has become polluted. He further submits that let the State Government take a decision on the resolution of the Gram Panchayat.

Keeping in view the aforesaid facts, it is considered appropriate to dispose of the writ petition by directing the State Government to take a final decision on the proposal received from the Gram Panchayat, Village Khuian Malkana, Tehsil Dabwali, District Sirsa, within two months. This Bench while disposing of the writ petition expects that the concerned authority will sympathetically consider the request of the Gram Panchayat.

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

01.09.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE