

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

CWP-3307-2023 (O&M)

Date of decision : 15.11.2023

Sukhmandar Singh and another

.....Petitioners

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. P.K. Ganga, Advocate
for the petitioners.

Mr. Rajneesh Chadwal, AAG, Haryana.

Mr. J.S. Thind, Advocate and
Mr. Balsher Singh, Advocate
for respondent No.5.

RAJESH BHARDWAJ, J. (Oral)

Petitioners have approached this Court praying for setting aside the impugned order dated 20.12.2022 (Annexure P-9) passed by respondent No.2; order dated 12.07.2022 (Annexure P-7) passed by respondent No.3 and order dated 23.02.2022 (Annexure P-6) passed by respondent No.4 whereby the watercourse has been sanctioned permanently by violating the principle of natural justice and without any authority of law, wrongly and illegally sanctioned the permanent watercourse through the land of the petitioners without any necessity.

This Court had directed the State to assess the situation on ground and file affidavit. In response to the same, Mr. Mukesh Kumar, Sub Divisional Canal Officer has filed his affidavit and has submitted that on visiting the spot, it is found that khal has been demolished by

the petitioners. However, counsel for the petitioners has reiterated that petitioners would have no objection if instead of watercourse/khal, the underground pipes are laid.

Learned counsel for respondent No.5 submits that the dispute only remains regarding the expenses to be borne of the pipes to be laid.

Mr. Mukesh Kumar, SDO present in the Court has informed that as per policy of the State, the expenses for laying down of the pipes would be borne by the State but the same requires some time for following the procedure regarding laying down of these pipes. He has submitted before this Court that the tender is to be floated regarding the same and thereafter the work would be carried out. The parties are present in person before this Court. Both the parties have submitted before this Court that till the State lays down these pipes, the water to the respondents would be provided. However, after laying down of the pipes the water from the present source would no longer be required.

Heard. The submissions made by counsel for the parties are quite reasonable and thus, the State is directed to initiate the proceedings for laying down the pipes after following the due procedure of floating the tender etc. Till then the water channel as it existed prior to its demolition would be restored to the respondents. The present petition is disposed of in above-mentioned terms. Necessary action would be completed by the State within six months from the date of receipt of certified copy of this order.

15.11.2023

m. sharma

(**RAJESH BHARDWAJ**)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No