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

CWP-4120-2023

Date of decision : 01.03.2023

Naresh Kumar and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Aditya Bhushan, Advocate for the petitioners.

Ms. Upasana Dhawan, AAG, Haryana, for respondent Nos.1 to 4.

VIKAS BAHL, J. (ORAL)

This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to construct and provide suitable pathway/means of crossing the Kalwa-Kinana Drain for reasonable convenience so that the petitioners may approach their land to the other side of drain for cultivation purpose by using the said crossing.

Learned counsel for the petitioners has submitted that the petitioners have submitted a representation dated 20.06.2022 (Annexure P-4) to respondent No.3-Superintending Engineer, Irrigation Department, Circle Jind and grievance of the petitioners has been detailed in the said representation. It is further submitted that the petitioners would be satisfied at this stage, in case, the competent authority is directed to consider representation dated 20.06.2022 (Annexure P-4) in accordance with law and to take an appropriate action therefrom in accordance with law as expeditiously as possible.

On the other hand, learned State Counsel appearing on behalf of

respondent Nos.1 to 4 has submitted that in the present case, the competent authority is not the Superintending Engineer, Irrigation Department but is Chief Engineer, Irrigation Department and the petitioners have not given any representation to the said authority. It is further submitted that in case, the plea to consider the case of the petitioners on merits is being raised by them, then the Chief Engineer would call for report first from the Collector and then subsequently from XEN and has to follow the provisions of Section 14(1) of the Haryana Canal and Drainage Act, 1974. It is contended that the Chief Engineer would consider representation dated 20.06.2022 (Annexure P-4) in accordance with law and in case, merit is found in the plea of the petitioners, then, appropriate action, in accordance with law, would be taken as expeditiously as possible.

Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with direction to respondent No.2- Chief Engineer, Irrigation Department to look into representation dated 20.06.2022 (Annexure P-4) and after considering the same, in case, respondent No.2 is of the opinion that the plea of the petitioners is meritorious, then, appropriate action, in accordance with law, be taken as expeditiously as possible.

It would be relevant to note that as per the case of the petitioners, they have no passage to move from one part to another part of their land and thus, the authorities are directed to coordinate with each other to expeditiously consider the case of the petitioners.

01.03.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**