

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

**CWP-4889-2023**

**Date of decision : 14.09.2023**

**Gurdeep Singh**

**.....Petitioner**

**versus**

**The State of Haryana and others**

**..... Respondents**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

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Present :- Mr. Sanjeev Gupta, Advocate  
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

Mr. M.S. Virk, Advocate  
for respondents No.6 and 7.

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**RAJESH BHARDWAJ, J. (Oral)**

Prayer in the present petition is for quashing the impugned sanction granted in the meeting dated 27.12.2022 which was received by the petitioner on dated 30.01.2023 (Annexure P-10) vide which the permission for repair/renovation of the Under Ground Pipe Line which is laid in Rect. No./Killa No.293//10/2 to Rect./Killa No.315/11/1 to respondent No.6-Pritam Singh without any basis by invoking The Punjab Land Improvement Scheme (Haryana Amendment) Act, 2018 without forming the scheme and for staying the operation of the impugned sanction granted in the meeting dated 27.12.2022 (Annexure P-10) or in the alternative the repair/renovation of the under ground pipeline from the land of petitioner i.e. from Khasra No.15/2 may kindly be stayed or issue any other direction which this Court may deem fit.

It has been contended by counsel for the petitioner that the grant for the repair of the pipeline has been issued by the government

which has been impugned by the petitioner in this petition. He has submitted that as per mandate of the Act, the installation of the pipeline cannot be proceeded without forming a scheme under the Act and as this pipeline has been laid down without forming a scheme under the Act, work being executed is in contravention of the provision of the Act.

Learned counsel for the respondent has submitted before this Court that only source of irrigation for the respondent is pipeline for which the repair work is being carried out.

Learned State counsel has filed the status report by way of affidavit of Dr. Mukesh Kumar Yadav, Divisional Soil Conservation Officer, Agriculture and Farmers Welfare Department, Haryana, Bhiwani. He has submitted that as per provisions of Section 18 of the Punjab Land Improvement Schemes Act, 1963, in case of any dispute regarding the execution of the work done under the scheme or the expenses incurred on the work the dispute as referred under Section 16 or 17 would be decided by the Director whose decision would be final. He has submitted that Section 18 of the Act is as follows:-

*18. Any Dispute as to the execution of works under a scheme or the expenses incurred on the works or their maintenance and repair as referred to in Section 16 or Section 17 shall be decided by the Director whose direction shall be final.*

He has submitted that in view of the above, it is apparent that this petition is not maintainable before this Court and the issue involved is to be adjudicated by respondent No.2 and thus, he has submitted that respondent No.2 is the competent authority for the adjudication of this case. He has relied upon the judgment titled as Ram Chander and another

Vs. State of Haryana and others passed in CWP-7479-2023 decided on 17.04.2023.

After hearing counsel for the parties and perusing the record, the present petition is disposed of with direction to respondent No.2 to hear all the parties in this case and after appreciating the submissions raised by both the sides to adjudicate the issue involved in this case expeditiously preferably within two months from the date of receipt of certified copy of this order.

14.09.2023  
*m. sharma*

( RAJESH BHARDWAJ )  
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No