

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

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**CWP-9327-2021 (O&M).
Date of Decision: 15.11.2023.**

SHAM SINGH AND OTHERS

... Petitioners

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Ramesh Sharma, Advocate, for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present writ petition is to the order dated 21.01.2020 (Annexure P-3) whereby the request for construction of new bridge at RD 7570 of Ghaggar-Bani-Sadewa MMK Link Channel at Government cost has been rejected. A further prayer has been made for directing the respondents to construct a bridge at RD 7570 for the inhabitants of village Dhottar, Jhoranali in District Sirsa.

Learned counsel appearing for the petitioner contends that the respondent-State of Haryana had issued a Notification in the year 2002 for acquiring the land for public purpose namely construction of Ghaggar-Bani-Sadewa MMK Link Channel to channelize the water of river. Accordingly, the land of the petitioner along with that of the other co-villagers was acquired. Even though the said project has benefitted many villages in the

adjacent area, however, the inhabitants of the area who are living in their Dhani's across the canal have suffered immensely since their land has been bifurcated and they have difficulty in reaching to their Dhani's due to non-construction of the bridge across the channel. The residents have to travel a long distance along the canal to reach the main road. The pucca path leading to the road had been demolished by construction of this canal. A representation for redressal of above problem was submitted by the petitioners to the respondent authorities but to no avail. An application was thereafter submitted by the Gram Panchayat, Village Dhottar and Village Jhoranali on 18.04.2019 requesting for construction of bridge on Government expenses. A reminder was also sent on 01.03.2021, however, when information under the Right to Information Act, 2005 was sought, it was informed that the representation submitted by the Gram Panchayat was rejected vide order dated 21.01.2020 (Annexure P-3) without affording any opportunity of hearing to the petitioner. Hence, the present writ petition.

A written statement on behalf of the respondents No.1 to 4 has been filed by way of affidavit of Dharam Pal, Executive Engineer, Sirsa Water Services Division, Sirsa, wherein it is averred that the order dated 21.01.2020 (Annexure P-3) had been passed as per the policy conveyed vide letter dated 19.04.1980, issued by the Commissioner and Secretary to Government of Haryana, Irrigation Department. It specifically provided that a VR bridge should not be constructed within a distance of one mile apart on the main branch Canal and drains. It is further submitted that the demand of the petitioners for sanction of construction of new bridge at RD7570 (wrongly mentioned as 7670 in para 4 of the written statement)

was declined by the Chief Engineer after taking into consideration the said policy. Since a bridge is already existing for the welfare of the residents within a distance of less than one mile, hence, there was no occasion for accepting the same. The relevant extract of the letter dated 19.04.1980 issued by the Commissioner, Government of Haryana, Department of Irrigation reads thus:-

“Subject: Policy regarding to the construction of village bridges on various canals and drains.

Reference your letter No. 5038FCD/79 dt. 31.10.79 the subject noted above.

With rapid development, the policy regarding the construction of bridges contained in the site Punjab Govt. letter No. 1721-Irr. (WS) 60/34194 dt. 14.11.60 has become on bridge does not adequately cater for the requirement of villagers. The question regarding decreeing the minimum for the confirmation of VR bridges has remained detention of the state government. It has now been that:

- i) VR Bridges should be constructed one mile apart on the main branch Canal and drains.*
- ii) V.R. Bridges should be constructed at a distance of one (not readable) of distributary and smaller drains.*

This issues with the concurrence of the department conveyed the U.O. No. 93-5 EICW-79, dt. 09.1.80 of letter No. 41/7945 PWII, dated 19.2.80 from the concerned officer.”

Even though the said reply had been filed in March 2022, however, no replication/rejoinder controverting the stand and/or applicability of the policy has been filed by the petitioner. Hence, it remains

undisputed that said letter/circular remains in force and the bridge is within a distance of less than one mile.

Learned counsel appearing for the petitioner also does not dispute the fact that a VR bridge is constructed at a distance of less than one mile from the place. He, however, contends that even that distance is long and causes undue hardship to the residents of Dhani's as well as the villagers for crossing over. It is contended that even though the above said representation was submitted by the Gram Panchayat and a decision has been taken thereupon, however, the respondents may consider the representation of the petitioners for construction of a bridge at their own cost and expenses and if permissible under the Rules.

I have heard the learned counsel appearing for the respective parties and have also gone through the documents appended along with the present petition.

Since the prayer made in the present writ petition has been considered and declined by the respondents by referring to the specific clause of the policy and the decision taken by the Government in this regard which such decision has not been challenged in the present petition, the prayer made in this regard cannot be granted at this juncture and the decision being in consonance with the policy decision/guidelines of the respondents themselves. However, in the event of the petitioners/Gram Panchayat approaching the respondents for raising a construction of bridge to cross the water channel, at their own costs, the respondent authorities may consider such request in accordance with the applicable policy and pass a reasoned order thereupon.

The present writ petition is disposed of accordingly.

November 15, 2023.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No