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

CWP-9395-2023

Date of Decision: November 03, 2023

Jasmer Singh and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Ashwani Bakshi, Advocate
for the petitioners.

Ms.Upasana Dhawan, AAG, Haryana with
Mr.Ashok Kumar Bansal, SDO, Irrigation.

.....

RAJESH BHARDWAJ, J.(ORAL)

Petitioners have approached this Court praying for issuance of directions to the respondents to provide passage/access to their fields from Meham-Beri road by constructing a bridge/pulia over the drain. It is further prayed to quash the condition laid at Sr.No.3 in the letter/reply, dated 08.10.2015, Annexure P-8, under the RTI Act, 2005 to the effect that the farmers may provide land free of cost to the department or the land for path is under consolidation.

Learned counsel for the petitioners has contended that there is no sanctioned path for the petitioners provided by the respondents/State for entering into their fields.

Reply by way of affidavit of Ram Niwas, Executive Engineer, Rohtak Water Services Division, Rohtak, filed by respondents/State on behalf of respondent No.3 is taken on record. The relevant para of the

affidavit reads thus:

“That the petitioners are demanding exclusive passage and pulli for their exclusive use which is not tenable and acceptable at any stretch of arguments. Such kind of demand will give edge to further demands of other farmers for the same relief. The purpose of Meham Drain which is to carry the flood water will solely be forfeited, if pullis are built up at the whim and desire of land owners. It endangers the main purpose of Meham Drain, moreover a common path which is the embankment of Meham Drain is always available for the un-obstacle movement of petitioners as well as other land owners of the area. The department has never ever agitated the movement of petitioners and other land owners on the embankment of Meham Drain and give assurance to this Hon’ble Court that the movement of petitioners and other land owners will also not agitated any further. However it is always expected from the beneficiaries that they may maintain the sanctity of the embankment by not making erosion in the structural foundation of Meham Drain.”

From the above it is clear that the embankment of Meham drain is available for the movement of the petitioners as well as other land owners/farmers as the department has ordered not to prevent the said movement. As stated by Mr.Ram Niwas, Executive Engineer, Rohtak Water Services Division, Rohtak, in the affidavit that purpose of Meham drain is to carry the flood water, which will be defeated in case pullis are built thereon and other farmers will also raise the same demand. Thus, prayer of the petitioners in this regard cannot be accepted.

In view of the contentions made in the affidavit, the present petition is disposed of. The petitioners and other farmers are allowed to use the embankment to access their fields subject to maintaining its sanctity.

At this stage, it has come to the notice of the Court that in the last order, dated 18.10.2023, inadvertently, the attendance of Ms.Akshita Chauhan, Deputy Advocate General, Punjab, has been marked instead of Ms.Upasana Dhawan, AAG, Haryana. The same be read as Ms.Upasana Dhawan, AAG, Haryana.

November 03, 2023
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |