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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.15621 of 2014
Date of decision : 02.09.2023

Surjit Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Ms. Akshita Chauhan, DAG, Punjab.

Mr. Amardeep Singh Mann, Advocate
for respondents No.4 & 5.

RAJESH BHARDWAJ, J. (Oral)

Present writ petition has been filed for issuance of a writ in the nature of certiorari for quashing/modification of order dated 17.02.2014 (Annexure P-7) passed by respondent No.2 and order dated 20.08.2013 (Annexure P-6) passed by respondent No.3. Further prayer has been made for directing respondents No.1 to 3 to get the demolished pucca water course restored in its original position and take legal action against respondents No.4 & 5 for damaging public property.

The Court has interacted with counsel for both the parties. Learned counsel for the petitioner as well as learned counsel for respondents No.4 & 5 have fairly submitted before this Court that they have no objection regarding laying down of the pipeline for the redressal of their grievances for irrigation purposes from Point A to B shown in site plan.

Learned counsel for the petitioner has submitted that as the pipe would run from the land of the private respondents, their consent is must for that purpose. However, learned counsel for respondents No.4 & 5 fairly submits that he would have no objection regarding laying down of the pipeline from their land in accordance with law. He also submits that he would file the necessary application/representation before respondent No.6 within a period of two weeks from today.

It has been submitted by learned counsel for the parties that on the representation to be presented by respondents No.4 & 5, respondent No.6 should be decided in a time bound manner.

Learned State counsel has placed on record a copy of policy of Department of Soil & Water Conservation, Punjab today in the Court and the same is taken on record.

As is evident from the submissions made, 90% of the expenses are to be borne by the State whereas the farmers have to be borne 10% incurred on the laying down of underground pipeline.

In view of the submissions made by learned counsel for the parties, the present petition is disposed of with liberty to the parties to file representation before respondent No.6 for the redressal of their grievances regarding laying down of the pipeline, within a period of two weeks from today. On presentation of this application, respondent No.6 would decide the same in accordance with law within a period of four weeks thereafter.

The Court expects that in view of the submissions made, there will be no hindrance in executing the work regarding laying down of the pipeline and thus, execution of the same be completed expeditiously.

At this stage, learned State counsel has submitted that the Punjab State Tubewell Corporation is also the relevant Department for execution of this work and respondent No.6, should have been liberty to consult them as well.

In view of this, respondent No.6 would be at liberty to take the necessary help from the Punjab State Tubewell Corporation as well, if so required.

The parties would be at liberty to approach this Court again, if so required.

(RAJESH BHARDWAJ)
JUDGE

02.09.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No