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

CWP-27328-2017

Date of Decision: December 21, 2023

Harnaib Singh

.....Petitioner

Versus

Superintending Canal Officer and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Preetwinder Singh Dhaliwal, Advocate
for the petitioner.

Ms.Akshita Chauhan, Deputy Advocate General, Punjab with
Mr.Gursagar Singh Chahal, XEN, Barnala.

Mr.RKS Brar, Advocate with
Mr.K.S.Sekhon, Advocate
for respondents No.3 to 5.

.....

RAJESH BHARDWAJ, J.(ORAL)

Instant petition has been filed for issuance of a writ in the nature of certiorari for quashing the order dated 06.04.2017, passed by respondent No.1, Annexure P-2, vide which respondent No.1 set aside the well reasoned order dated 02.08.2016, Annexure P-1, passed by respondent No.2.

On the directions of this Court, Mr.Gursagar Singh Chahal, XEN, Barnala, is present in Court.

Learned counsel for the petitioner has reiterated that petitioner is ready to bear the expenses of laying down of underground pipeline from point C to D and to carry out the necessary work. He has submitted that the whole expenses would be borne by the petitioner.

Learned counsel appearing for the private respondents has,

however, submitted that there is every possibility that if the pipe is laid from point C to D, the length of which is about 100 feet, then the mud would accumulate in the pipe and the same may get blocked. He has submitted that maintenance of the same would create difficulties in the future.

However, the Officer present in Court when asked by the Court regarding the solution, has submitted that *Audhi* (cemented pit) would be made at point C so that the mud is prevented from entering the pipe. He has submitted that the necessary construction of this *Audhi* (cemented pit) would be made first and then the water would be allowed to run further through the underground pipe to be laid by the petitioner from point C to D. He has submitted that the maintenance though would be done by the shareholders, however, the Department would also monitor the same so that no inconvenience is caused to any of the co-sharer.

Though before the learned Superintending Canal Officer, the parties had not consented for laying down the underground pipeline, however, on hearing the learned counsel for the parties and the Officer present in Court, this Court finds that laying down the underground pipe from point C to D is feasible. The petitioner has fairly submitted that he would bear the expenses to be incurred in laying down this pipeline.

In view of the above, the impugned order, dated 06.04.2017, is modified accordingly. Necessary work would be commenced by the petitioner in coordination with all the co-sharers and the revenue authorities.

Learned counsel for private respondents has further submitted that as the distance from point C to D falls in Abadi deh, there are probabilities that after laying down the pipe, the same can be encroached

upon by the residents.

However, the respondents/State would ensure the compliance of above-said statement made by the Officer and take into account the grievances, if any, raised regarding this by the shareholders in case any encroachment is so made.

Disposed of in the above terms.

December 21, 2023

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(RAJESH BHARDWAJ)
JUDGE

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