

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

CWP-10179-2024

Date of Decision: 03.05.2024

Kuldeep Singh and others

..... Petitioners

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Param Preet Singh Brar, Advocate, for the petitioners.

Rajesh Bhardwaj, J.

1. Present petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of a writ in the nature of Certiorari for quashing the Impugned order dated 5.2.2024, Annexure P-3, whereby the respondent No.2 has permitted the respondent No.4 to cut off the "Special Supply of Canal Water for Fruit Orchard in respect of 6.72 acres of fruit orchard" on the premise that at present, there is no orchard which is factually incorrect because the orchard over area of about 53- 16 (6.72 Acres) was approved vide letter no.4695/53-R dated 06.07.62, but due to seepage in the area, orchard had to be damaged, but presently, fresh plants/orchard has been planted as is clear from the photographs, Annexure P-1 and also for issuance of direction to the respondents to consider and take a final decision on the application dated 29.01.2024, Annexure P 4, by passing a speaking and well reasoned order after spot inspection, within some short stipulated period and in the meantime, the supply of water be not cut off, in the interest of justice. It is further prayed that the respondents may kindly be restrained from disconnecting the supply of water to the orchard of the petitioners, during the pendency of the present writ petition.

2. Precise submission made by counsel for the petitioners is that

wari of supply of water is to be made available for the Orchard sown by the petitioners. He submits that due to the problem in the area regarding the water logging, the Orchard of the petitioners was damaged and therefore, fresh saplings were sown. He submits that the respondent-authorities without inspecting the Orchard on the site, have taken an arbitrary decision to cut the supply of the water to the petitioners as is evident from the letter issued to the Executive Engineer dated 05.02.2024 (Annexure P-3). It is submitted that if the respondent-authorities carry out fresh inspection, the grievance of the petitioners can be redressed. However, the respondent-authorities have not taken into consideration the grievances raised by the petitioners. He has drawn the attention of this Court to the photographs for supporting his arguments and has submitted that the saplings are very much there in their fields, which require supply of water.

3. Notice of motion.

4. Mr. Navneet Singh, Sr. DAG, Punjab accepts notice on behalf of the respondents and on instructions has submitted that if the petitioners file fresh application for carrying out inspection, the same would be considered in accordance with law.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, the present petition is disposed of with liberty to the petitioners to file fresh application before respondent No.3 i.e. Divisional Canal Officer, Ferozepur Canal Circle, FCC, Ferozepur for the redressal of their grievance within a period of one week from today. If the petitioners file fresh application as stated above, respondent No.3 would carry out the inspection of the site and would take necessary action for the supply of water to the Orchard of the petitioners, if the same is not being supplied to the Orchard.

The petitioners would be at liberty to avail their remedy in case any further cause of action accrues to them.

03.05.2024
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE
:
:
Yes/No
Yes/No