



CWP-28216-2024

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

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CWP-28216-2024

Date of Decision: 04.11.2024

Santra Devi

..... Petitioner

Versus

The District Collector, Sonipat and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. S.S. Nain, Advocate along with
Ms. Tanya Vashist, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

HARSH BUNGER J. (ORAL)

Petitioner has filed the present writ petition under Articles 226/227 of the Constitution of India, *inter alia*, for issuance of a writ in the nature of Mandamus directing the respondents to implement the order dated 13.06.2024 (Annexure P-2) passed by learned Divisional Conservation Land Officer, Rohtak and Member Secretary, District Level Committee, Sonipat whereby, the approval sought by the petitioner from the Competent Authority under the Punjab Land Improvement Scheme (Haryana Amendment Act, 2018) (in short '2018 Act') for laying underground pipeline to her land, was accorded on the following conditions:

- "1. Underground pipeline should be at least 3 feet deep below the ground as per Haryana Act No.30 of 2018, The Punjab Land Improvement Scheme (Haryana Amendment Act, 2018).*
- 2. The underground pipeline which is to be constructed should be as per the map submitted by the applicant farmer.*
- 3. If the respondent farmer suffers any loss due to the underground pipeline, then the farmer who has got the underground pipeline laid will compensate for it.*
- 4. The purpose of laying the underground pipeline should be*



only for irrigation.

5. After laying underground pipeline the land Smt. Santara Devi wife of Sh. Hanwant Singh, the land will be restored to its previous condition to the satisfaction of defendant's farmer Sh. Surender Kumar, Sh. Sanjeev Kumar, Sh. Suresh Kumar and Sh. Sandeep Kumar sons of Sh. Surajmal and Sanjay son of Bharmparkash."

3. Learned counsel for the petitioner submits that the aforesaid order dated 13.06.2024 (Annexure P-2) has not been implemented by the Concerned Authorities.

4. On the other hand, learned State counsel submits that in terms of condition No.3, as noticed above, the petitioner is required to compensate the farmer from whose land the underground pipeline is to be passed and in terms of Section 15A of the Act of 2018, the assessment of damage/compensation is to be determined by the District Level Committee whose decision shall be binding upon by all the parties. Section 15 A of 2018 Act, reads as under:

"15A. Laying of underground pipeline or repair or renovation of existing underground pipeline.- (1) Where the State Government or a farmer or a group of farmers intend to lay an underground pipeline or repair or renovation of existing pipeline through the holding of any other land owner for the purpose of irrigation on its, his or their holdings and the matter is not settled by mutual agreement, then the District Level Committee may, by order, allow the State Government or the farmer or the group of farmers, as the case may be, to lay pipeline or repair or renovation of existing pipeline, at least three feet beneath the surface of the land along the demarcated line on payment of compensation arising out of damage to crop or any structure of the land owner. The amount of compensation to be paid to the land holder through whose land the pipeline is to be laid



or repaired or renovated shall be as per assessment of damage determined by the District Level Committee and its decision shall be binding upon all the parties. The pipeline shall be used for irrigation and the right of land owners in the event of change of land use for non-agriculture purposes shall not be compromised.”

5. At this stage, learned counsel for the petitioner submits that the petitioner is ready and willing to compensate the land owners/farmers from whose land the underground pipeline is to be passed. Learned counsel further submits that the petitioner has not yet applied to the District Level Committee for the assessment of damage/compensation, which would be payable on that account.

6. Keeping in view the submissions made by learned counsel for the parties and without commenting on the merits of the case, the present writ petition is disposed of with liberty to the petitioner to apply the District Level Committee for assessment of damage/compensation which would be payable by the petitioner to the concerned land owners/farmers from whose land the underground pipeline is to be passed; within a period of three weeks from today. In case any such application is filed within the aforesaid period, the concerned authority shall take a decision thereon, within a period of four weeks thereafter and convey the same to petitioner.

7. The present writ petition is accordingly disposed of.

8. All the pending application(s), if any, shall also stand closed.

04.11.2024

Pd

(HARSH BUNGER)
JUDGE

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