



(116)

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

CWP-PIL-108-2025 (O&M)

Date of decision:- 21.05.2025

Himmat Singh and others

...Petitioner(s)

Versus

The State of Haryana and others

...Respondent(s)

CORAM: **HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE**
HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Shalender Mohan, Advocate,
 for the petitioners.

Mr. Naveen S. Bhardwaj, Additional Advocate General, Haryana.
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SHEEL NAGU, C.J. (ORAL)

1. This petition has been filed seeking quashment of speaking order dated 04.04.2025 (Annexure P-16) passed by Chief Canal Officer, BWSU, Irrigation & Water Resources Department, Haryana, Panchkula in due deference of the order dated 06.03.2025 (Annexure P-15) in CWP-PIL-42-2025 after considering the submissions made by residents of five villages, namely, Sandlana, Makhand, Kakarod, Chann and Bhanbhor.

2. The relevant extracts of the impugned order passed after considering all the submissions of the petitioners are reproduced below:-

“The Point wise comments regarding the petitioner demands are as under: -

1. *Impact on Underground Water: - The petitioners have expressed concerns regarding the adverse effect of laying an RCC NP3 pipeline on underground water. It is submitted that the primary objective of any irrigation channel is to maximize irrigation efficiency by minimizing losses due to seepage, evaporation, and*

theft. The installation of the RCC NP3 pipeline will significantly enhance conveyance efficiency, thereby serving the irrigation purpose of the channel more effectively.

2. *Concerns Regarding Wildlife and Cattle Watering:- The petitioners have raised concerns about access to water for wildlife and cattle. It is submitted that the project includes the provision of Ghats at RD 8248, RD 11000, RD 13000, and RD 19686 for this specific purpose. Should the stakeholders request additional Ghats, the same may be provided subject to prior approval from the competent authority. It is further submitted that even in the case of a CC-lined channel, direct access for animals to drink water is not feasible, and designated Ghats remain the only viable solution.*
3. *Irrigation Water Availability:- The petitioners have contended that the existing channel is only source of irrigation. It is submitted that the proposed RCC NP3 pipeline will prove conveyance efficiency, ensuring the availability of authorized discharge for the shareholders of villages Makhand, Kakrod, and Sandlana, which fall within the head reach of the channel. Given the prevailing site conditions, the remodelling of New Chann Minor into and RCC NP3 pipeline from RD 0 to 28000 tail is technically sound. The channel currently runs through partially cutting and filling terrain from RD 0 to 13000 and through a filling section from RD 13000 to 28000. Additionally, the presence of a Tibba area in the head reach of the channel causes soil erosion during the rainy season, leading to a reduction in discharge capacity and adversely affecting irrigation at the tail end of the channel. The proposed pipeline will mitigate these issues, ensuring an equitable distribution of water among all shareholders.*
4. *Drinking Water Concerns: - The petitioners have raised concerns regarding drinking water. It is submitted that only the water drawn through outlet 19680/L is utilized for public health purposes. Given the adequate working head available in Chann Minor, the water requirements can be met without any adverse impact.*

It is pertinent to note that after comprehensive deliberations, the proposal for laying an RCC NP3 pipeline from RD 0 to 28000 tail was duly approved in the 9th STC meeting held on 16.09.2021.

In view of above cited facts and circumstances explained above, the demand of villages Sandlana, Makhand and Kakrod for remodelling New Chann Minor as open channel instead of RCC pipeline channel is not justified. Hence, the claim of above said villagers herby rejected.”

3. From the above, it is obvious that more or less the grievance raised by all the villagers of five villages have been considered and decided by assigning reasons. Though all the contentions raised by the villagers have been

declined, but the same are backed by reasons which this Court cannot go into its limited Writ Jurisdiction under Article 226 or Supervisory Jurisdiction under Article 227 of the Constitution of India, especially, when there is no instance of breach of any statutory provision or fundamental right pointed out.

4. This Court, therefore, declines to interfere, especially, in the matters where technical experts have applied their minds in the field of water management.

5. No scope for interference in the present Public Interest Litigation is made out.

6. The petition, accordingly, stands dismissed.

(SHEEL NAGU)
CHIEF JUSTICE

(SUMEET GOEL)
JUDGE

21.05.2025
Amodh Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No