

**LPA-1640-2026 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****(107)****LPA-1640-2026 (O&M)
Date of decision:- 01.07.2026****Ram Kumar Nain****... Appellant****Versus****State of Haryana and others****... Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL****HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA****Present:- Ms. Sonia G. Singh Samber, Advocate
for the applicant-appellant.*************SUVIR SEHGAL, J. (ORAL)****CM-4002-LPA-2026**

1. For the reasons given in the application, which is supported with an affidavit, delay of 02 days in filing the appeal is condoned.
2. Application is allowed.

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3. This Letters Patent Appeal has been filed challenging judgment dated 19.03.2026 passed by the learned Single Judge, whereby writ petition, preferred by the appellant-petitioner, has been dismissed.
4. Appellant had approached this Court seeking a writ of certiorari for quashing orders dated 30.09.2024, 11.11.2024 and 01.01.2026, Annexures P-3, P-5 and P-7, passed by the canal authorities. The dispute has its genesis from an application filed by Ram Partap, respondent, and other farmers before the

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canal authorities seeking shifting of head of outlet from RD 4600/L to RD 5000/L of Kaloda Sub Minor. Following an enquiry by the Sub Divisional Canal Officer, a draft scheme was recommended. Objections raised by the appellant were considered and the Divisional Canal Officer approved the shifting vide impugned order dated 30.09.2024, Annexure P-3. This decision has been upheld by the Superintending Canal Officer and the Chief Canal Officer in statutory appeals under Haryana Canal and Drainage Act, 1974.

5. Before the learned Single Judge as well as before us, the primary grievance of the appellant is that shifting of the head of the outlet would result in a reverse slope, thereby prejudicially affecting the irrigation of his land. It has been contended that the authorities failed to appreciate his objections as a crucial shareholder.

6. We have heard counsel for the appellant and examined the record.

7. An analysis of the documents appended with the present appeal and the concurrent findings recorded by the canal authorities reveals that the decision to shift the outlet has been taken in the interest of better irrigation. The existing outlet at RD 4600/L was located on a layout that created two distinct bends in the watercourse causing obstacles in the smooth flow of canal water. Fixing the outlet at proposed site at RD 5000/L allows the watercourse to run straight ensuring optimal water supply. Technical assessments verified that Full Supply Level (FSL) at both the existing and proposed sites is virtually identical ensuring no adverse impact on the irrigation of any shareholder. Crucially, the overwhelming majority of the shareholders of the existing outlet petitioned for this alteration with the appellant being the solitary objector before this Court.



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8. Learned Single Judge dismissed the writ petition by placing reliance upon the well settled principles enunciated by Division Benches of this Court in Sham Sunder versus Superintending Canal Officer, Ferozepur, 2001 (4) R.C.R. (Civil) 35 as well as Mohinder Singh versus State of Punjab, 2012 (67) R.C.R. (Civil) 760. It is a recognized legal principle that canal authorities are the best judges of the spot situations and field requirements. High Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution will normally not substitute its own opinion over the technical and administrative expertise of canal authorities, provided their decisions are arrived at after affording all parties concerned, an opportunity of fair hearing and are explicitly aimed at ensuring better irrigation facilities. No illegality, procedural perversity or jurisdictional infirmity has been committed by any of the authorities or by the learned Single Judge.

9. Finding no merit in the appeal, same is hereby dismissed.
10. Pending miscellaneous application shall also stands disposed of.

(SUVIR SEHGAL)
JUDGE

(DEEPINDER SINGH NALWA)
JUDGE

01.07.2026
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No