

CWP No.15781 of 1997

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

CWP No.15781 of 1997
Date of decision: 28.10.2015

Resham Singh and others

....Petitioners

Versus

Superintending Canal Officer, Ferozepur Canal Circle and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. O.P. Hoshiarpuri, Advocate, for the petitioners.
Mr. Suresh Singla, Addl. A.G., Punjab.
Mr. G.S. Bhatia, Advocate, for respondent No.3.

PARAMJEET SINGH, J. (ORAL)

Instant writ petition has been filed for quashing the order dated 30.08.1996 (Annexure P-1) passed by Divisional Canal Officer, Abohar Canal Division, Abohar, whereby 20.14 acres area has been excluded from chak of outlet RD No.17560/T.R. Pucca Sub Minor and included in chak of R.D. No.17560/T.L. Pucca Sub Minor on the ground that from the earlier outlet the irrigation was done by way of lift irrigation,

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however, from outlet RD No. 17560/T.L. Pucca Sub Minor the irrigation can be by way of flow, as well as the order dated 28.05.1997 (Annexure P-4) passed by Superintending Canal Officer, Ferozepur Canal Circle, Ferozepur whereby order passed by the Divisional Canal Officer has been affirmed.

Brief facts of the case are that respondent No.3 moved an application before respondent No.2 – Divisional Canal Officer, Abohar for transfer of area measuring 20.14 acres from outlet R.D. No.17560/TR Pacca Sub Minor Chak to Chak of Pacca Sub Minor of outlet No. R.D.17560/TL. Divisional Canal Officer allowed the application of respondent No.3 vide order dated 30.08.1996 (Annexure P-1). Aggrieved against the order passed by Divisional Canal Officer, petitioners preferred appeal before the Superintending Canal Officer, which has been dismissed and order of the Divisional Canal Officer has been affirmed vide order dated 28.05.1997 (Annexure P-4). Hence, this writ petition.

I have heard learned counsel for the parties and perused the record.

Authorities below have recorded concurrent finding that from the earlier outlet i.e. R.D. No.17560/TR Pacca Sub Minor Chak there was a negative command and the land was being irrigated by lift irrigation whereas with the transfer of the area to outlet No. R.D.17560/TL irrigation will be by flow, which is certainly a better and normal mode of irrigation. The orders have been passed by the

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authorities in the interest of irrigation.

In view of above, I do not find any illegality or perversity in the impugned orders.

Dismissed.

No costs.

October 28, 2015
R.S.

(Paramjeet Singh)
Judge