

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

CWP No.11031 of 2015

Date of Decision:-03.08.2015

Ashok Kumar

.....Petitioner.

Versus

Chief Canal Officer & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Sanjiv Gupta, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Prayer in the present petition is for quashing of the order dated 31.07.2013 passed by the Divisional Canal Officer Nehrana Water Services Division, Sirsa (respondent no.3), order dated 1.10.2013 passed by respondent no.2 Superintending Canal Officer Bhakra Water Service Circle, Sirsa (P-4) and order dated 30.12.2013 passed by respondent no.1 Chief Canal Officer, Bhakra Water Services Irrigation and W.R. Department, Haryana, Panchkula whereby claim of the private respondent was accepted and water course was sanctioned on account of compensation in order to avoid bifurcation of the directions given to the private respondent for sanctioning of the Water Course.

Learned Counsel for the petitioner has argued that the orders passed by the Authorities below are wrong, illegal, against law and facts and liable to be set aside because the Authorities below have illegally and

wrongly sanctioned the Water Course No.CB through Sq./Killa No.263/1/1 min along with the pucca road into two Karam width on the basis of compensation on the application of the private respondent no.4 Gokal Ram. It was argued that there was no draft scheme and publication and no spot levels of the lands were taken and thus, the orders passed by the Authorities below are liable to be set aside.

After hearing learned Counsel for the petitioner and perusing the paper book, this Court is of the considered view that the present petition is devoid of any merit and the same deserves to be dismissed.

It is apparent from the impugned orders that the Authorities below have considered all the relevant data of the case and observed that Water Course CB has been sanctioned along with the Pucca road and thus, does not cause any prejudice to the land of the petitioner. It is apparent that the private respondent is ready to pay compensation of the land under the Water Course sanctioned by the concerned Authorities and the said compensation, is, in the opinion of the Court fair and just and, therefore, no fault can be found in the impugned orders. The Authorities below have passed the same in just and fair manner by following the relevant provisions of law and thus no fault can be found in the orders passed by them.

In view of the above, finding no merit in the present writ petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

August 03, 2015
Vinay