

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

CWP No. 7928 of 2011

Date of decision : 09.02.2015

Duli Chand

....Petitioner

V/s

State of Haryana & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vikram Singh, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

Mr. S.P. Chahar, Advocate for respondent no. 5.

RAJAN GUPTA J.

Petitioner is aggrieved against order dated 10.06.2009 passed by Chief Canal Officer upholding orders dated 17/15.07.2008 and 23.12.2008 passed by Divisional Canal Officer and Superintending Canal Officer respectively whereby application filed by respondent no. 5 for sanction of water course ACD from the land of petitioner on compensation basis has been allowed.

Learned counsel for the petitioner has assailed the orders. He submits that respondent no. 5 has its own source of watercourse, thus, there is no necessity for sanction of water course on compensation basis to him. Orders passed by authorities below are in violation of provisions of Haryana Canal and Drainage Act. Impugned orders are, thus, unsustainable and deserve to be set-aside.

Learned counsel for respondent no. 5 submits that water course has been rightly sanctioned by the authorities below. According to him, perusal of record and site plan shows that

respondent no. 5 cannot be provided any watercourse for irrigation by any other manner. Impugned orders are, thus, sustainable.

Heard.

It appears that respondent no. 5 moved an application before respondent no. 4 for sanction of water course ACD on compensation basis from the fields of petitioner as there is no other source of irrigation. Said authority found that fields of respondent no. 5 would be better irrigated from the demanded watercourse and moreover, he was ready to compensate the petitioner of his fields. It, thus, allowed the application after affording opportunity of hearing to all the parties and sanctioned the water course on compensation basis, there being no other arrangement for irrigation. Petitioner preferred appeal before Superintending Canal Officer. Same was, however, dismissed vide order dated 23.12.2008. The order was unsuccessfully challenged before the Chief Canal Officer. Aggrieved, present petition has been filed.

I find no infirmity with the orders passed. It is evident that respondent no. 5 was getting nil irrigation. As there is no arrangement for irrigating his fields, authorities below sanctioned the water course ACD on compensation basis through the land of the petitioner. In my considered view, providing of irrigation facility would not cause any prejudice to petitioner. No fault can, thus, be found with the impugned orders. Writ petition is devoid of any merit and is hereby dismissed.

February 09, 2015
Ajay

(RAJAN GUPTA)
JUDGE