

CWP-25444-2013

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

CWP-25444-2013

Date of Decision: 08.09.2015

Brij Lal and another

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

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. R.S.Mamli, Advocate,
for the petitioners.

Mr. Rajneesh Chadwal, DAG, Haryana.

Mr. Ajit Sihag, Advocate,
for respondent No.4.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for quashing the order dated 08.03.2013 (Annexure P-3) passed by respondent No.3-Superintendent Canal Officer, BWS Circle-II, Hisar and order dated 26.04.2013 (Annexure P-4) passed by respondent No.2-Chief Canal Officer, BWS Irrigation and Water Department, Haryana whereby direction of the watercourse is alleged to have been changed and prayer has also been made for upholding the order of the Divisional Canal Officer.

I have heard learned counsel for the parties and perused the

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record.

Respondent No.4-Ved Parkash etc. purchased some land and *Pucca* watercourse was going through the land of the petitioners for irrigating the land purchased by respondent No.4. A request was made by respondent No.4 for change of alignment and lining of watercourse from 'AC' to 'ABC' in the interest of irrigation. The canal authorities after taking into consideration the fact that watercourse if allowed to pass in a diagonal manner, the same will bifurcate killa No.268/25 into two parts and the same will be in the shape of triangle. It is settled principle of law that land should not be bifurcated, if otherwise alternative method is permissible. The authorities after considering the fact that land was being bifurcated, the watercourse was put on the common '*watt*' keeping in view the interest of irrigation as firstly they are not required to construct '*Pulia*' for passing from one side to other. Otherwise also, land cannot be bifurcated in such a manner that it becomes unfit for cultivation. The rights of the petitioners will not be prejudiced as they will get the irrigation facility from the same watercourse and only alignment has been changed in one killa. Respondent No.4 has also given an undertaking by way of an affidavit that in case the alignment of watercourse is changed as 'ABC', he will bear the whole cost of its lining, therefore, no monetary loss will be caused to the govt. Moreover, the watercourse has not been left at the time of consolidation and it has also not been purchased by the petitioner by paying

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compensation/amount.

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

Dismissed.

08.09.2015
parveen kumar

(Paramjeet Singh)
Judge