

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 2458 of 2015

Date of Decision: February 11, 2015

Vikas Kumar

... Petitioner

Versus

Superintending Canal Officer, Ferozepur Canal Circle, Ferozepur and others.

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Sandeep Khunger, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari to quash order dated 29.10.2014 (Annexure P/9) passed by respondent no.1 – Superintending Canal Officer, whereby appeal preferred by respondent no.3 has been accepted and order dated 13.02.2014 (Annexure P/8) passed by respondent no.2 – Divisional Canal Officer, Abohar Canal Division has been set aside and matter has been remitted to the Divisional Canal Officer.

The perusal of site plan (Annexure P/1) clearly indicates that joint land of Chiman Lal etc. and Vikas Kumar has been shown in brown colour and land of Raj Kumar son of Ghamma Ram in yellow colour. It

appears that watercourse is at the common “watt” of petitioner and respondent no.3. The equity and good conscious demands that a person who has to irrigate his land, he should use his own land for the purpose of carving out watercourse when watercourse is on common “watt” as he is the beneficiary.

Learned counsel for the petitioner contends that the watercourse was existing in the land. This cannot be believed, neither presumption can be raised that the watercourse is in the land of respondent No.3 when it is alleged on common “watt”.

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

Dismissed. However, since the matter has been remanded, the Divisional Canal Officer is directed to pass the order within one month from effecting proper service upon the parties.

February 11, 2015
vkd

[Paramjeet Singh]
Judge