

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 25158 of 2015

Date of Decision: December 02, 2015

Murari Lal

... Petitioner

Versus

Chief Canal Officer and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. S.P. Chahar, 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 quashing the order dated 05.09.2002 (Annexure P/2) passed by respondent no.3 – Divisional Canal Officer, Jhajjar W/S Division, Jhajjar, order dated 13.03.2003 (Annexure P/3) passed by respondent No.2 – Superintending Canal Officer, Y.W.S. Circle, Rohtak and order 22.10.2007 (Annexure P/6) passed by respondent no.1 – Chief Canal Officer/LWSU, Irrigation Department, Panchkula.

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

The Divisional Canal Officer vide order dated 05.09.2002 (Annexure P/2) has recorded the following findings:-

“On the fixed date of hearing I myself full examined the case site plan of the scheme revenue record statements of applicant and respondent which are attached fully examined.

2. *There is no source of irrigation in the area of Killa No. 88/7/2-14-17 and pucca watercourse comes in 99/5 and the site of abovesaid water was inspected on 18.7.02 and it was found after inspecting the site that irrigation cannot be done in the abovesaid area of Killa No. 88/23/24 because 99/3-4 and 88/23 & 24 on high level.*

3. *After inspecting the fard girdhawari that applicant had irrigated his land from the abovesaid disputed watercourse upto 1995-96. So, in view of the abovesaid facts public interest and mamimumness of irrigation watercourse AB which has been shown in the site plan mustil no. 88, killa no.16 towards the northern side is sanctioned under Section 18(2) of the Haryana Canal and Drainage Act, 1974 against the compensation.”*

Learned counsel for the petitioner has not been able to point out any perversity or illegality in the impugned order passed by the Divisional Canal Officer. The findings of the Divisional Canal Officer have been affirmed by the Superintending Canal Officer as well as Chief Canal Officer.

In view of above discussion, the present writ petition fails.

Dismissed in limine.

December 02, 2015
vkd

[Paramjeet Singh]
Judge