

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 26680 of 2015

Date of Decision: December 23, 2015

Guranditta Singh and others

... Petitioners

Versus

Superintending Canal Officer and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Surinder Garg, Advocate,
for the petitioners.

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 setting aside the order dated 11.08.2014 (Annexure P/1) passed by respondent no.3-Deputy Collector, Faridkot Canal Division, Faridkot, order dated 10.12.2014 (Annexure P/2) passed by respondent no.2 – Divisional Canal Officer, Faridkot Canal Division, Faridkot and order dated 22.06.2015 (Annexure P/3) passed by respondent no.1 – Superintending Canal Officer, Sirhind Canal Circle, Ludhiana.

Brief facts of the case are that Mukhtiar Singh – respondent no.4 filed an application that earlier the land was joint and now, he wants the separate wari for 7 kanals of his land. After considering the

respective contentions of the parties, the District Collector allowed the application of respondent no.4 vide order dated 11.08.2014 (Annexure P/1). Against that order, petitioners preferred an appeal which has been dismissed by the Divisional Canal Officer vide order dated 10.12.2014 (Annexure P/2). Thereafter, petitioners preferred appeal before the Superintending Canal Officer, which has also been dismissed vide order dated 22.06.2015 (Annexure P/3). Hence, this writ petition.

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

After considering the respective contentions of the parties, vide order dated 11.08.2014 (Annexure P/1), the Deputy Collector observed as under:

“The hearing of the case was done on 11.08.2014. The applicant wants to get his turn of water separated for his 7K-0M of land by installing the nakka one killa ahead for giving the water. The respondent raised the objection for the same, whereas he would get water 1 killa near to the earlier place, due to which he will not suffer any loss. They are raising objection without any reason. Therefore, the prayer of the applicant as per his statement is accepted in the welfare of more irrigation. The prayer of the respondent is rejected.....”

Said findings have been affirmed by the Divisional Canal

Officer and the Superintending Canal Officer. There are concurrent findings recorded by the canal authorities. Otherwise also, co-sharers have right to get affix their separate turns.

Learned counsel for the petitioners has not been able to point out any perversity or illegality in the orders passed by the Canal Authorities.

In view of above, the present writ petition fails.

Dismissed in limine.

December 23, 2015
vkd

[Paramjeet Singh]
Judge