

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

LPA No. 1513 of 2015 (O&M)

DATE OF DECISION : 15.10.2015

Brij Lal and another

.... APPELLANTS

Versus

State of Haryana and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARI PAL VERMA

Present : Mr. R.S. Mamli, Advocate,
for the appellants.

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SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 08.09.2015 passed by the learned Single Judge, whereby the writ petition (CWP No. 25444 of 2013) filed by the appellants challenging the orders passed by the canal authorities making minor changes in the water course has been dismissed, while observing as under :-

“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 compensation/amount.”

Though there is delay of 5 days in filing the appeal and the appellants have filed application (CM No. 3243-LPA of 2015) for condoning the said delay, yet we have heard learned counsel for the appellants and have gone through the impugned order passed by the learned Single Judge as well as the orders passed by the canal authorities.

In the last portion of the impugned order, it has been specifically observed that no prejudice is going to be caused to the appellants as they will continue to get irrigation facility to their fields and

only alignment has been changed in one killa. It has also been observed that the entire expenses of the alignment of the water course are to be borne by respondent No.4, therefore, no monetary loss will be caused to the appellants. Therefore, in our opinion, no interference is required in the present appeal, as there is no jurisdictional error or illegality in the orders passed by the canal authorities.

Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

October 15, 2015
ndj

(HARI PAL VERMA)
JUDGE