

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

LPA No. 1548 of 2015 (O&M)
DATE OF DECISION : 21.10.2015

Balwan Singh and another APPELLANTS

Versus

The Sub Divisional Canal Officer, Dhanger Water Services, Sub Division,
Fatehabad and others RESPONDENTS

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

Present : Mr. P.K. Ganga, Advocate, for the appellants.

SATISH KUMAR MITTAL, J. (Oral)

The learned Single Judge, while disposing of the writ petition (CWP No. 10024 of 2015) filed by Krishan Kumar (respondent No.4 herein) vide impugned order dated 26.08.2015, has made the following observations :-

“Admittedly, land holdings of the petitioner is there which needs watercourse. The parties were also present in the Court and an offer was made to one of the private respondents that they can take land equivalent to the watercourse ‘CD’ or may take compensation in lieu thereof, but he refused to accept any of the proposals, rather submitted that he is not ready to provide watercourse. So far as the impugned order (Annexure P-II) is concerned, the same is not illegal or perverse. However, the land of petitioner is surrounded by the land of private respondents and area of the petitioner falls under the cultural command area and it is fit for irrigation, therefore, the petitioner can apply for carving out of watercourse by way of acquisition of land. The petitioner will be at liberty to move

application before the authorities concerned for acquisition of land in order to provide watercourse to him in accordance with law. In case the land is acquired for the watercourse, the petitioner shall incur the expenses of acquisition and compensation be paid to the person whose land will be acquired. If the petitioner moves appropriate application before the authorities concerned, needful shall be done expeditiously preferably within six months.”

Learned counsel for the appellant states that in pursuance of the said order, respondent No.4 Krishan Kumar has filed an application for providing watercourse which is pending before the canal authorities. Learned counsel for the appellant submits that if the underground watercourse is provided to respondent No.4 from his land, the appellants will have no objection to the same.

In our opinion, issue with regard to providing of watercourse to respondent No.4 Krishan Kumar is pending before the concerned authority. We give liberty to the appellants to raise this point before the said authority. We hope that every contention raised by the appellants will be considered in accordance with law, keeping in view the interest of irrigation and interest of all the parties.

Appeal is, accordingly, disposed of.

(SATISH KUMAR MITTAL)
JUDGE

October 21, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE