

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

LPA No. 581 of 2015 (O&M)

DATE OF DECISION : 20.04.2015

Avtar Singh

.... APPELLANT

Versus

State of Punjab and others

.... RESPONDENTS

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

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. H.S. Dhandi, Advocate,
for the appellant.

* * *

SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 21.11.2014 passed by the learned Single Judge, whereby the writ petition (CWP No. 4492 of 1995) filed by the appellant challenging the order dated 22.09.1992 (Annexure P-1) passed by the Divisional Canal Officer, Lehal Division, Irrigation Branch, Patiala; and the order dated 24.03.1994 (Annexure P-2) passed by the Superintending Canal Officer, Patiala Circle, Irrigation Branch, Patiala, has been dismissed.

Though there is delay of 67 days in re-filing and 2 days in filing the instant appeal and the appellant has filed two separate applications (CM Nos. 1180-81-LPA of 2015) for condoning the said delay, yet we have heard learned counsel for the appellant on merits and have gone through the order

passed by the learned Single Judge, as well as the orders passed by the canal authorities.

In this case, on an application filed by the private respondents under Section 20 of the Northern India Canal and Drainage Act, 1873, the Divisional Canal Officer, after obtaining report from the Sub Divisional Officer (Canal) and spot inspection, vide order dated 22.09.1992 (Annexure P-1), recommended for sanction of the area of 32 acres of land from uncommand to flow command and area of 43 acres from uncommand to lift command. The Superintending Canal Officer, after providing opportunity of hearing to both the parties, vide order dated 24.03.1994 (Annexure P-2), partly accepted the said recommendation to the extent of sanctioning of the area of 32 acres from uncommand to flow command.

The aforesaid order passed by the Superintending Canal Officer has been affirmed by the learned Single Judge vide order dated 21.11.2014, which has been impugned in the instant appeal.

After hearing learned counsel for the appellant, we do not find any jurisdictional or procedural error in the order passed by the Superintending Canal Officer. The canal authorities are expert authorities to deal in the matter. In the instant case, after following the procedure, the canal authorities have made the said change of 32 acres from uncommand to flow command. The learned Single Judge has rightly observed that in such an issue, the canal authorities are expert authorities, and the court

interference in such a matter under Article 226 of the Constitution of India is to a very limited extent, when there is any jurisdictional or procedural error, or violation of principle of natural justice. None of these factors is existing in the instant case. Thus, we do not find any illegality in the order passed by the learned Single Judge.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

April 20, 2015
ndj

(HARINDER SINGH SIDHU)
JUDGE