

CWP-160-2014

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

CWP-160-2014

Date of Decision: 31.05.2016

Kartar Singh and others

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. S.S.Duhan, Advocate,
for the petitioners.

Mr. Rajneesh Chadwal, DAG, Haryana.

Mr. Amanpal, Advocate,
for respondent No.5.

Paramjeet Singh Dhaliwal, J.

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 14.11.2013 (Annexure P-3) passed by respondent No.2-Chief Canal Officer whereby appeal filed by the petitioners against the order dated 07.08.2013 (Annexure P-2) passed by respondent No.3-Superintending Canal Officer has been dismissed.

The facts, in brief, relevant for disposal of this writ petition are to the effect that respondent No.5-Suraj Bhan moved application for

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transfer of area measuring 32.94/32.84 acres from outlet No.10732-R Puthi Minor to Outlet No.9435-L Deepal Minor of village Hansi. It was averred that his area is not being irrigated and there is a difference of level, therefore, the area measuring 32.94/32.84 acres be included in Outlet No.9435-L Deepal Minor of village Hansi. The case was referred to Zileadar, Hansi who got prepared the scheme through Sub Divisional Canal Officer, Petwar, Water Services Sub Division, Hansi. Both of them recommended the case in favour of better irrigation. Thereafter scheme was published under Section 18 (1) Rule 7 of the Haryana Canal and Drainage Act, 1974. Respondent No.4-Divisional Canal Officer after considering the reports of the field staff and examining the matter, approved the draft scheme for transfer of area measuring 32.94/32.84 acres from outlet No.10732-R Puthi Minor to Outlet No.9435-L Deepal Minor of village Hansi, vide order dated 15.04.2013 (Annexure P-1). Feeling aggrieved, the petitioners and other shareholders filed appeal before respondent No.3-Superintending Canal Officer which has been dismissed vide order dated 07.08.2013 (Annexure P-2). Being dissatisfied, petitioner Nos.1 and 2 preferred appeal before respondent No.2-Chief Canal Officer which has been dismissed vide impugned order dated 14.11.2013 (Annexure P-3). Hence, this writ petition.

I have heard learned counsel for the parties and perused the original record produced by Mr. Sandeep Kumar Mathur, Divisional Canal Officer, present in Court.

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The canal authorities have recorded a concurrent finding that the private respondent will get better irrigation through the proposed outlet as the spot level of the land in question is in the range of 702.00; the FSL at the head of outlet RD No.10732-R Puthi Minor is 707.27 and the FSL at the head of outlet RD No.9435-L Deepal Minor is 709.75. There is a difference of 5 to 7 ft. between spot level and FSLs at the heads of existing outlet as well as proposed outlet and further there is also difference of FSLs approximately 2.5 at the heads of existing outlet as well as proposed outlet. The proposed outlet is also near to the land in question and in view of the difference of levels, certainly there will be increase in the irrigation. All the canal authorities have rightly passed the orders by making a reference to the command statement wherein level of the field has been mentioned.

In view of above discussion, I do not find any illegality or perversity in the impugned order.

Dismissed.

Costs made easy.

31.05.2016

parveen kumar

(Paramjeet Singh Dhaliwal)
Judge