

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CWP No.16627 of 2016
Date of decision:17.8.2016**

Gurdev Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Udey Veer Singh Brar, Advocate for the petitioners.

RAMESHWAR SINGH MALIK, J. (Oral)

Present writ petition is directed against the order dated 3.2.2016 passed by the Superintending Canal Officer, Ferozepur Canal Circle, Ferozepur, whereby the appeal filed by the petitioners was dismissed and the order dated 20.3.2015 (Annexure P-2) passed by Divisional Canal Officer, Eastern Canal Division, Ferozepur, was upheld.

Heard learned counsel for the petitioners.

A bare combined reading of the impugned orders (Annexures P-2 and P-3) passed by the respondent canal authorities would make it crystal clear that the said orders were rightly passed in strict compliance of the order dated 27.1.2015 (Annexure P-1) passed by this Court in CWP No.9668 of 1998.

Specific reports were taken from the field staff about the level of both the outlets, so as to ensure that even after shifting some area from outlet No.61458 L, Jhandwala Rajbaha to outlet No.62500 L, Jhandwala Rajbaha, parties will keep on getting sufficient irrigation. After considering all the relevant aspects of the matter including technical aspect thereof,

Divisional Canal Officer has rightly ordered, shifting of land measuring 28 acres including the land measuring 8 acres, owned by the petitioners from outlet No.61458 L to outlet No.62500 L on Jhandwala Rajbaha. Further Divisional Canal Officer has rightly held that all the share holders shall remain bound not to demolish the present outlet No. 61458 L on Jhandwala Rajbaha. Since the Divisional Canal Officer has rightly passed the impugned order based on true facts, the same deserves to be upheld.

The above-said order was rightly upheld by the appellate authority, i.e. Superintending Canal Officer, while passing a well reasoned and speaking order dated 3.2.2016 (Annexure P-3). Before passing the order, Superintending Canal Officer again sought a specific levelling report from the field staff which was sent to him vide letter dated 27.1.2016. Since the Superintending Canal Officer has again considered all the relevant aspects of the matter including the technical aspect thereof qua the level of both the above-said outlets, he committed no error of law, while passing the impugned order and the same deserves to be upheld.

Regarding the watercourse, the above-said specific directions issued by Divisional Canal Officer were rightly reiterated by Superintending Canal Officer as well and relevant part of the impugned order at page 32 of the paper-book, reads as under:-

“Regarding the Khals, the DCO Eastern Canal Division Ferozepur has already asked the shareholders that the watercourse which is running from outlet No.61458-L Jhandwala Rajbaha the same will not be demolished and will continue functioning.”

It goes without saying that the canal authorities are expert in their line. Unless an order passed by the canal authorities is found

to be suffering from any patent illegality or perversity, this Court would be slow to interfere, while exercising its writ jurisdiction under Articles 226/227 of the Constitution of India.

So far as the present case is concerned, learned counsel for the petitioners could not point out any patent illegality or perversity in either of the impugned orders passed by the respondent canal authorities. Further, no prejudice of any kind, whatsoever, has been pointed out, which might have been caused to the petitioners, while passing the impugned orders and the same deserve to be upheld for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the instant writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out

Resultantly, with the above-said observations made, the present writ petition stands dismissed, however, with no order as to costs.

17.8.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No