

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 7347 of 2016 (O&M)

Date of Decision: May 09, 2016

Chhotu Ram and another

... Petitioners

Versus

*The Superintending Canal Officer, Ferozepur Canal Circle,
Ferozepur and others*

... Respondents

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

Present: Mr. C.M. Munjal, Advocate,
for the petitioners.

Mr. Peeush Gagneja, Advocate,
for the caveator/respondent No.4.

Paramjeet Singh Dhaliwal, J. (Oral)

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 order dated 04.06.2014 (Annexure P/3) passed by respondent No.2 – Divisional Canal Officer, Abohar Canal Division, Abohar and order dated 29.02.2016 (Annexure P/4) passed by respondent no.1 – Superintending Canal Officer, Ferozepur Canal Circle, Ferozepur whereby the deductions of filling of water have been disproportionately deducted.

I have heard learned counsel for the parties.

Learned counsel for the petitioners contends that the Deputy Collector vide order dated 06.05.2013 (Annexure P/2) had rightly ordered the deduction for every shareholder equally, but in the present case, only 2 Minutes have been deducted from Sahi Ram – respondent no.4, whereas much more deductions have been made from the turn of the petitioners.

I have considered the contentions raised by learned counsel for the petitioners and perused the record.

Admittedly, the land of the petitioners which consists of Khatta Nos. 71 to 76 is approximately 80 kanals, whereas, land of Sahi Ram – respondent No.4 is much less and is approximately 51 kanals 4 marlas. Otherwise also, it depends upon the length of the watercourse, which is required to be filled and the quantum of land and the total turn of water that the deduction for filling the watercourse is made. The quantum of land of the petitioners is much more, for that reason the deduction has been proportionately made.

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

Dismissed.

May 09, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge