

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

LPA No. 1470 of 2016 (O&M)

Date of Decision : 17.08.2016

Dharambir and others

....Appellants

Versus

Divisional Canal Officer and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

Present: Mr. Narender Kaajla, Advocate
for the appellants.

MAHESH GROVER, J.

Learned counsel for the appellants contends that irrigation to his land is not affected in any manner.

If that is so, then any arrangement made in favour of the private respondents which is not to the detriment of the appellants would be inconsequential. Evidently, the appellants are fighting a battle to settle the scores and not to erase any genuine grievance. Time and again during the course of proceedings we have asked the learned counsel for the appellants as to whether irrigation to his land is affected in any manner by the arrangement so sanctioned by the authorities, he has categorically stated that there is no prejudice caused to him. We also notice that no infirmity has been pointed out in the judgment of the learned Single Judge which notices that the Canal Authorities after visiting the spot have concluded that watercourse 'AB' shown in the site plan Annexure P-5 which was a lined watercourse and constructed by the department concerned after

adopting the due procedure of law, had been dismantled. The authorities have also concluded that there is no alternate source of irrigation for the area of private respondents. We also notice from Annexure P-5 that irrigation to the land of the appellants is adequate and thus do not find any reason to interfere and dismiss the same particularly when it is also hit by a delay of 41 days which largely has not been explained satisfactorily.

(MAHESH GROVER)
JUDGE

17.08.2016
dss

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No