

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

LPA No.18 of 2016 (O&M)

Date of Decision : 29.09.2016

Sajjan and others

....Appellants

Versus

Superintending Canal Officer,
Ferozepur and others

....Respondents

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

Present: Mr. Udeyveer Singh Brar, Advocate for
for the appellants.

MAHESH GROVER, J.

CM No.34-LPA of 2016

Marginal delay of 12 days in re-filing the appeal is
condoned.

Civil Misc. stands allowed.

LPA No.18 of 2016

This appeal is directed against the judgment of the
learned Single Judge dated 31.8.2015.

Learned counsel for the appellants with reference to
Annexure P-1 contends that the land of respondent No.3 was
already being fed water from outlet No.41313-R, whereas now
the change to RD6404-L, which is the outlet from where the
appellants were getting water, would be grossly prejudicial to
their irrigational facilities. It is contended that respondent No.3

was getting water for the last more than fifty years from the said course which is pucca and the present change is totally unwarranted. It is contended that the order of the Divisional Canal Officer which was in favour of the appellants was not duly considered by the subsequent authorities when the matter was taken in appeal.

The learned Single Judge has noticed that the distance of the land of respondent No.3 from outlet No.41313-R which was in existence earlier is 4334 ft. as against 1892 ft. from the new arrangement i.e. outlet No.6404-L. This is duly borne out from the site plan itself. We are of the opinion that this change would be in the interest of irrigation apart from serving the interest of conservation of water. It is common knowledge that longer the watercourse greater the loss of water. We thus find no infirmity in the findings recorded by the learned Single Judge and since no other point has been urged, we decline interference.

Appeal dismissed.

(MAHESH GROVER)
JUDGE

29.09.2016
dss

(SHEKHER DHAWAN)
JUDGE

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