

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

**LPA No.936 of 2016 (O&M)  
Date of Decision:13.07.2016**

**Suraj Bhan and others**

**.....Appellants**

**Vs**

**The Chief Canal Officer and others**

**.....Respondents**

**CORAM: HON'BLE MR. JUSTICE MAHESH GROVER  
HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. N.K. Malhotra, Advocate for the appellants.

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**MAHESH GROVER, J.(ORAL)**

This appeal is directed against the judgment of learned Single Judge dated 30.09.2015.

Proceedings on prior occasion were taken by the Canal Authorities in the year 2004 allowing shifting of RD 18000-R Bhutian minor to RD 21000-R Bhutian minor for which cost was to be borne by the appellant. The appellant did not deposit the requisite charges for installation and lining of the watercourse. In the meantime, the private respondents moved another application for shifting of head outlet RD 21000-R Bhutian minor to RD 18000-R Bhutian minor which was then contested by the present appellants but negated by the Canal authorities.

The present appellants finally filed a writ petition No.751 of 2009 impugning the orders of the Canal authorities which were upheld by the learned Single Judge noticing the fact

that on prior occasions the appellant himself defaulted in making the payment for lining and construction of the outlet. Having failed to do so, it does not now lie in the mouth of the appellant to ask for any relief against the respondent who has suffered on account of lack of irrigation for 5 years for lapse of the appellants. We thus, do not find any reason to interfere particularly when the change effected now is to outlet RD 19500-R to point 'A' on the existing watercourse and the slope of the watercourse to be reversed to point 'B' for which cost is to borne by the beneficiaries.

Orders of the Canal authorities do not show any perversity and the appellant has been unable to show any legal infirmity or prejudice to his cause.

Dismissed.

**(MAHESH GROVER)**  
**JUDGE**

**(RAJ MOHAN SINGH)**  
**JUDGE**

13.07.2016  
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