

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.10874 of 2014
Date of Decision: May 12, 2017

Ram Chander & others

...Petitioners

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Ravinder Hooda, Advocate,
for the petitioners.

Mr.Saurabh Girdhar, AAG, Haryana,
for the State.

Mr.Nupur Chaudhary, Advocate for
Mr.M.S.Sindhu, Advocate,
for respondent No.5.

AMIT RAWAL, J. (Oral)

The petitioners have approached this Court for quashing the impugned orders dated 21.10.2013 (Annexure P-4) passed by Chief Canal Officer and 19.3.2013 (Annexure P-3) of Superintending Canal Officer, whereby the application moved by private respondent No.5 along with other shareholders, for shifting of 69/69 acres area from outlet R.D.18876-L Titoli minor to outlet R.D.22247-L Titoli minor shown in blue colour in the site plan, Annexure P-1, was allowed and for restoring the order dated 25.10.2012 (Annexure P-2) passed by the Divisional Canal Officer, whereby their application was rejected.

Mr.Ravinder Hooda, learned counsel representing the petitioners submits that the area measuring 230 acres shown in green colour

in the site plan, Annexure P-1, belongs to the petitioners and earlier the fields of the petitioners and respondent No.5 and other shareholders were being irrigated through outlet RD 18876-L, but on submission of the application by respondent No.5, outlet RD 22247-L was carved out. The land of respondent No.5 is measuring 23 acres and by adding the same, the supply of water to the land of the petitioners is reduced and, therefore, it would be having less supply. All these factors have not been taken into consideration, therefore, there is illegality and perversity in the impugned orders.

He also submits that the percentage of the water has also not been taken into consideration, therefore, it is against the settled norms. The flow of the water has also not been considered and by adding 23 acres of land, the total land which is to be irrigated from the changed outlet would be 253 acres and, thus, urges this Court for setting aside of the impugned orders.

Per contra, Mr.Nupur Chaudhary, Advocate for Mr.M.S.Sindhu, Advocate, for respondent No.5 submits that there is no illegality and perversity in the orders. The same are perfectly legal and justified. No point has been raised in the writ petition to show that the orders are illegal and perverse and, thus, prays for upholding the same.

I have heard the learned counsel for the parties and appraised the paper book.

While issuing notice of motion, this Court had not granted any stay. On going through the site plan, Annexure P-1, it is evident the land shown in blue colour is in two chunks, i.e., in red and green colour. Major chunk is being irrigated through outlet RD 18876-L, whereas that of the

petitioners through RD 22247-L, which, at earlier point of time was sanctioned on their application. The land of respondent No.5 shown in blue colour is close to the proposed outlet. It is in this backdrop of the matter, the authorities below have taken into consideration the aforementioned aspects and shifted the outlet.

In my view, the chunk of land owned by the private respondent is lesser than the petitioners and, therefore, would not affect their irrigation. No documentary evidence has been placed on record for over a period of years to show that with the change of outlet, their yield of the land has considerably reduced, in essence they have suffered a loss. Even otherwise, there was no stay granted by this Court.

For the foregoing reasons, the impugned orders are perfectly legal and justified and do not call for any interference.

Resultantly, the writ petition stands dismissed.

May 12, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No