

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

**CWP No.18968 of 2016
Date of Decision.12.01.2017**

Jaswinder Singh

.....Petitioner

Vs

State of Haryana and others

.....Respondents

Present: Mr. Aayush Gupta, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The petitioner is aggrieved of the impugned orders dated 21.09.2015, 22.01.2016 and 12.05.2016 (Annexure P-1 to P-3 respectively) whereby the water course BC along with eastern side of rectangle/killla No.49/5 of village Barwa, has been restored.

Mr. Aayush Gupta, learned counsel appearing for the petitioner submits that the aforementioned water course BC was never shown at the time of framing of the scheme of consolidation. In fact, the water course already provided water to the land of respondents as revealed from the site plan (Annexure P-7) i.e. AB, B1, X and Y. Now by virtue of new water course BC, land of the petitioner is taken away and therefore, a serious prejudice has been caused. Once there is already existed a water course, there was no occasion for the authorities to carve out the aforementioned water course, much less, the respondents have not been able to establish that the aforementioned water course was at any point of time existing in the revenue record, thus, there is gross illegality and perversity.

He further submits that due to inadvertence, the order (Annexure P-3) was again assailed before the Superintending Canal Officer,

SYL Water Services Circle, Ambala vide Annexure P-4 though it was not maintainable. He has also relied upon statement (Annexure P-5) suffered by one of the respondents Suresh Kumar s/o Maya Ram r/o Barna that he had no objection in case the water course is provided through Rect. No.48 which, according to him, belonged to some other person, thus, beseeches the indulgence of the Court for setting aside the orders under challenge.

I have heard learned counsel for the petitioner, appraised the paper book, orders of the authorities and of the view that there is no merit and force in the submission of Mr. Gupta. As per the site plan (Annexure P-6), water course being provided from B to C is shorter route and convenient one whereas the previous route is in zig zag manner which is like a snake and ladder. No prejudice would be caused to the petitioner as the water course from A to B is already there which passes through Rect. No.49 and it is not the sole ownership of the petitioners. The statement made by one of the respondents for carving out of the water course from land of other persons would be inconsequential/pale into insignificance, in the absence of other party, as it would tantamount to reopening of the matter which is not the scope of the aforementioned Act.

The orders under challenge are perfectly legal and justified and do not call for any interference, much less, judicial review. The writ petition is resultantly dismissed.

(AMIT RAWAL)
JUDGE

January 12, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No