

In the High Court of Punjab and Haryana at Chandigarh.

**CWP- 23110 of 2015
Decided on 18.8.2017**

Ishwar Singh

--Petitioner

Vs.

Divisional Canal Officer, Haryana and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Naresah Kaushik, Advocate, for the petitioner

Mr.Ashok Muthreja, DAG, Haryana

Mr.Ajit Sihag, Advocate, for respondent No.3.

Rakesh Kumar Jain,J: (Oral)

This petition is filed to challenge the order dated 29.12.2014 passed by respondent No.2 and the order dated 12.3.2015 passed by respondent No.1. The petitioner has prayed that in the alternative, he is ready to give water course on his Dol of Killa No.194//14/2 & 14/3 to respondentNo.3.

The only argument raised by learned counsel for the petitioner is that the water course which has allegedly been dismantled and to be restored is going to cause fragmentation of the land of the petitioner to the extent of 10 karams. He has referred to site plan Annexure P-4 to contend that if the alignment of the water course is changed within the area of 10 karams then the fragmentation can be avoided.

On the other hand, learned counsel for the respondents has

submitted that the water course, ordered to be restored, was provided to the private respondents during consolidation and the water course is running from the last many years.

I have heard learned counsel for the parties and after examining the record, am of the considered opinion that the prayer made by the petitioner cannot be accepted because the alignment cannot be changed just on the asking of the petitioner to save his 10 karams of land which otherwise can be irrigated.

With these observations, this petition is here by dismissed.

18.8.2017
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(Rakesh Kumar Jain)
Judge

Whether Speaking/Reasoned:

Yes/No.

Whether Reportable:

Yes/No.