

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

**C.W.P. No.20195 of 2017
Date of Decision:07.09.2017**

Balwan Singh and others Petitioners

Vs.

State of Haryana and others Respondents

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. I.P. Goyat, Advocate for the petitioners.

Rakesh Kumar Jain, J. (Oral)

This petition is filed for assailing the order of the Chief Canal Officer dated 17.06.2017 by which he has allegedly reversed the concurrent findings recorded by the Divisional Canal Officer and the Superintending Canal Officer.

In brief, counsel for the petitioners has argued that the scheme for providing outlet at RD28183-L Khanda Minor for an area of 244/231 acres was recommended by the Divisional Canal Officer and the case was sent for prior approval of the Chief Canal Officer because the discharge of the outlet was less than 0.75Cs. The said order was challenged by respondent No.6 by way of an appeal before the Superintending Canal Officer, Yamuna Water Services Circle, Jind but it was dismissed vide order dated 27.09.2016. Thereafter, respondent No.6 challenged that order by way of an appeal before the Chief Canal Officer, who has allowed the same vide his order dated 17.06.2017. Counsel for the petitioners vehemently argued that the Chief Canal Officer has wrongly recorded the facts. He has observed that if the head of this outlet is allowed to be shifted from

RD26775-L to RD28183-L Khanda minor, then there would be problem of digging of new water course to link with the already running water course. It is further submitted that there is no question of shifting of RD26775-L to RD28183-L.

I have heard learned counsel for the petitioner and after perusing the record, am of the considered opinion that this argument is without any substance because when the petitioner appeared before the Chief Canal Officer along with other co-sharers, he had specifically made a statement about the shifting of the head of RD26775-L to RD28183-L.

Counsel for the petitioners has not denied the statement made, by the petitioner anywhere in the writ petition, before the Chief Canal Officer and just challenged the order of the Chief Canal Officer on the ground that there was no shifting from RD26775-L to RD28183-L. I do not agree with the petitioners because of specific statement recorded by the Chief Canal Officer in the impugned order having been suffered at the instance of the petitioners which has not been explained anywhere in the writ petition.

With these observations, I do not find any merit.

Dismissed.

September 07, 2017
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(RAKESH KUMAR JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No