

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.3928 of 2013

Date of Decision: May 01, 2017

Raj Kumar & others

...Petitioners

Versus

The Chief Canal Officer, Haryana Irrigation Department & others

...Respondents

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

Present: Mr.Jaivir Yadav, Advocate,
for the petitioners.

Mr.Rajbir Singh, AAG, Haryana,
for the State.

Mr.Amit Parashar, Advocate for
Mr.Rajneesh Chadwal, Advocate,
for respondent Nos.4 to 12.

AMIT RAWAL, J. (Oral)

The petitioners were respondents before the authorities in an application moved under Section 20(1) of the Haryana Canal and Drainage Act 1974 by private respondent Nos.4 to 12 for shifting of their outlet from RD 2478-R to RD 2220-R, which has been accepted.

Mr.Jaivir Yadav, learned counsel appearing on behalf of the petitioners submits that the land shown in blue colour belongs to the petitioners, whereas that of red colour to respondent Nos.4 to 12 and the land shown in green is of certain other persons. The aforementioned landowners were drawing water from RD2478, which is a lift system as the land is being irrigated on the basis of lifting of water with the help of diesel

engine. The authorities below have erroneously ordered for shifting of the outlet of the petitioners alongwith the outlet of the private respondents. It should have been only of the respondents. This fact is not denied by Mr.Amit Parashar, Advocate for Mr.Rajneesh Chadwal, learned counsel for respondent Nos.4 to 12. He submits that his client would be satisfied in case only their piece of land shown in red/green colour is shifted to RD 2220-R instead of the petitioners.

In view of the aforementioned consensus arrived at between the learned counsel for the parties, I am of the view that the order shall be construed only for shifting of the outlet 2478 to Outlet 2220 and not that of the petitioners.

However, it is made clear that the petitioners shall continue to draw the water from RD 2478-R. This fact is also not disputed by the learned State Counsel.

The impugned orders are modified to the above extents.

Writ petition stands disposed of,

May 01, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No