

CWP No.23025 of 2017

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

**CWP No.23025 of 2017  
Date of decision:09.10.2017**

Sh. Ram Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

**Coram: Hon'ble Mr. Justice Rakesh Kumar Jain**

Present: Ms. Sudha, Advocate, for  
Mr. M.S.Saini, Advocate, for the petitioner.

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**Rakesh Kumar Jain, J.**

This petition is filed for quashing the order dated 21.09.2016 passed by the Divisional Canal Officer, Bathinda and the order dated 16.06.2017 passed by the Superintending Canal Officer.

Learned counsel for the petitioner has argued that the interest of the petitioner has not been taken care of by the Canal Authorities.

The findings recorded by the Divisional Canal Officer and Superintending Canal Officer with regard to the claim of the petitioner are as under:-

**Findings of the Divisional Canal Officer**

“After making in-depth consideration, this court has come to the conclusion that the area of the Opposite Party Sh. Ram Singh S/o Sh. Mahinder Singh is 4-0 Kanal and upon taking the turn of the appellant, a proposal has been made for filling of 6 minutes for 72 karams, which is less. Therefore, keeping in view the interests of the Opposite Party, the turn of the appellant in Khata No.80 is

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hereby deducted for 4 minutes and is being given to the Opposite Party, whereby the Opposite Party shall get 10 minutes filling and by adding 8 minutes original turn, his total turn shall become 18 minutes and is being approved in Khata No.81, whereby interests of irrigation of Opposite Party shall be taken care of out of the original 42 minutes turn from Khata No.80 of the appellant as per above while deducting 4 minutes, the approval is being given to include his remaining 38 minutes of turn in Khata No.94. As per above, while allowing the appeal of the appellant under Section 68(5) of the North India Canal and Drainage Act, 1873, the decision has been made as above.”

**Findings of the Superintending Canal Officer**

“After hearing both the parties, the decision of the case was reserved. This case was examined in depth on dated 16.06.2017 in the afternoon. Upon re-examination of the case, it transpired that due to taking up turn by Sh. Pritam Singh S/o Sh. Chanan Singh, resident of village Bibiwala, Tehsil and District Bathinda, partner of opening Burji 3075-R, Bathinda Rajwaha, out of his turn of his Khata No.80, 4 minutes was deducted and was given to Sh. Ram Singh S/o Sh. Mahinder Singhvide which Sh. Ram Singh get 10 minutes filling and by adding 8 minutes original turn, his total turn shall become 18 minutes and was approved in Khata No.81. Out of the original 42 minutes, turn from Khata No.80 of Sh. Pritam Singh S/o Sh. Chanan Singh, while deducting 4 minutes, the approval was given to include his remaining 38 minutes of turn in Khata No.94. As a result of which, the appellant shall not suffer any loss. Therefore, appeal of the appellant is being dismissed and decision dated 21.09.2016 made by the Divisional Canal Officer,

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Bathinda Canal Division, Bathinda is upheld. This decision is being made under Section 68(6) of the Canal and Drainage Act, 1873.

Since the decision of the case was reserved so both the parties may be informed in writing about the decision.”

The aforesaid findings do not call for any interference as there is no violation of law by the Canal Authorities.

Consequently, the present petition is hereby dismissed being denuded of any merit, though without any order as to costs.

**October 09, 2017**  
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**(Rakesh Kumar Jain)**  
**Judge**

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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |