

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 24887 of 2017

Date of decision : November 6, 2017

Mahender Sharma

..... **Petitioner**

Versus

Chief Canal Officer and others

..... **Respondents**

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Saurabh Dalal, Advocate
for the petitioner.

RAKESH KUMAR JAIN, J (oral).

The petitioner along with other share holders is the owner of land falling in outlet RD No. 36800-L-Jhajjar Sub Branch Village-Baland, Tehsil and District Rohtak, who have made an application for change of alignment of watercourse ABC to ADC in the chak of outlet RD-36800-L-Jhajjar. The said application was investigated through the Sub Divisional Canal Officer, Beri who had submitted his recommendation. Thereafter, the share holders were served as per rules and ultimately the Divisional Canal Officer rejected the application on the ground that if the alignment of watercourse ABC is changed to watercourse ADC then the connectivity of that land situated in Rectangle No.178 would be closed and they shall have to get their land connected with watercourse ADC by arranging katcha watercourse from the land of the applicants etc.

In appeal, the Superintending Canal Officer, Yamuna

Officer on the ground that alignment of watercourse ABC to ADC would provide better course of irrigation to the petitioner. Now, it was the turn of the respondents to file appeal under Section 20 (2) of the Haryana Canal and Drainage Act, 1974 against the order of the Superintending Canal Officer before the Chief Canal Officer, Lift Canal Unit, Irrigation & Water Resources Department, Haryana who accepted the appeal and passed the order concurring with the Divisional Canal Officer.

Learned counsel for the petitioner has submitted that the land of the respondents falling in rectangle No.178 is already getting irrigation from another source but has failed to show the same from the site plan.

Be that as it may, the finding of the Divisional Canal Officer is based upon factual circumstances as in case of shifting of alignment from watercourse ABC to ADC the respondents who are getting the water from point 'B' would not get water to their rectangle No.178 as the water would go up to the watercourse ABC which is passing through the land of the petitioner. I am in agreement with the order passed by the Divisional Canal Officer that for the purpose of getting watercourse from the changed watercourse ADC the respondents had to create a katcha watercourse to reach to their land.

In view of the above, I do not find any merit in the present petition and the same is dismissed.

(RAKESH KUMAR JAIN)
JUDGE

November 6, 2017
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No