

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

CWP No. 8952 of 2015 (O&M)
Date of Decision: 27.10.2017

MADAN**... Petitioner****V/s.****CHIEF CANAL OFFICER AND OTHERS****...Respondents****CORAM: HON'BLE MR. RAKESH KUMAR JAIN**

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

Mr. Sharad Kumar Yadav, DAG, Haryana.

Mr. Ramesh Malik, Advocate,
for the respondent No. 4.

RAKESH KUMAR JAIN, J. (Oral)

This petition is filed for quashing the impugned order dated 13.08.2014 passed by the Superintendent Canal Officer, Rohtak, order dated 30.04.2014 passed by the Divisional Canal Officer, RWS Division Rohtak and order dated 04.02.2015 passed by the Chief Canal Officer, Haryana.

While referring to the site plan (*Annexure P-3*), learned counsel for the petitioner has submitted that the respondents whose land has been shown in blue colour is already being irrigated from water course marked with letters D,E,F and G. However, the respondents wanted to irrigate their land from the water course marked with letters A, B and C.

Learned counsel for the petitioner has submitted that he has no objection if the orders of the Courts below are maintained provided the respondents should compensate the petitioner with land which is being used for the purpose of water course.

Learned counsel for the respondent No. 4 has conceded to it and submitted that the respondents are ready and willing to compensate the petitioner with the land which would be used for the purpose of water course.

In view thereof, the present petition is disposed of with a direction that in case the petitioner is compensated by the respondents with the land which is being used by them for the watercourse then the petitioner would allow the respondents to operate the watercourse marked with letters A, B and C.

It is further ordered that the amount which has been deposited in the form of compensation by the respondent No. 4 in cash shall also be refunded to him.

With the observations as indicated hereinabove, the present petition is disposed of.

October 27, 2017

Suresh Kumar

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking / reasoned :

✓
Yes / No

Whether Reportable :

Yes / No