

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

**LPA no. 1781 of 2016 (O&M)
Date of Decision : 17.02.2017**

Jagtar Singh and another

....Appellant(s)

Versus

Superintending Canal Officer, Ferozepur Canal Circle, Ferozepur and others
...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MRS JUSTICE SNEH PRASHAR**

Present : Mr.B.S.Sidhu, Advocate for the appellant

MAHESH GROVER, J.(ORAL)

This appeal is directed against the judgment of the learned Single Judge dated 27.7.2016. The dispute inter se between the appellants and the private respondents is qua a water course and by virtue of the impugned orders, the respondents have been granted an outlet from the already existing underground water course servicing the land of the appellants and few others.

Learned counsel for the appellants with reference to the site plan on record contends that when the underground pipes were laid a complete scheme was prepared with monetary contributions from all the beneficiaries. But the respondents opted to stay out even though they were offered equal participation and benefits of the proposed underground pipeline.

Learned Single Judge relied extensively on the reasoning given by the Superintending Canal Officer who permitted the respondents to become beneficiaries of the already existing underground water course on the reasoning that the additional land to be serviced would be merely 5%

and there is always enough capacity to include atleast 10% of an additional area. Besides, the participation of the respondents was made subject to their sharing the costs.

The solitary argument that has been raised before us by the learned counsel for the appellants is that acceptance of the order of the Superintending Canal Officer as also the impugned order in the present appeal would imply a reduced water supply to the appellants.

We are afraid, we cannot persuade ourselves to agree with this contention, particularly, when the Superintending Canal Officer would have the necessary expertise to comment on it having accepted the plea of the respondents by giving enough reasons. We would not be inclined to interfere with the same in the absence of any other cogent material on record to offset such a reasoning by the authority technically equipped to appraise issues of the kind raised in the present appeal.

We have also perused the site plan upon an argument being raised that the respondents' land is being sufficiently and properly irrigated from the existing arrangement and a perusal thereof suggests that the arrangement now proposed would be certainly beneficial to them and consequence of acceptance would not seriously jeopardise the interest of the appellants as well, particularly, when the propose arrangement is made subject to the sharing of costs and monetary consequences. Therefore, no ground to interfere is made out. Hence, instant appeal is hereby dismissed.

(Mahesh Grover)
Judge

(Sneh Prashar)
Judge

17.02.2017

rekha

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No