

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

**L.P.A. No.2196 of 2016 (O&M)
Decided on : 30.08.2017**

Harpal

... Appellant

Versus

Chief Canal Officer and others

... Respondent

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI**

Present : Mr. Raj Kapoor Malik, Advocate,
for the appellant.

Mr. Samarth Sagar, Addl. , Haryana.

Mr. Karan Singh, Advocate,
for the respondent.

MAHESH GROVER, J.(Oral)

This appeal is directed against the judgment of the learned Single Judge dated 26.10.2016 permitted shifting of outlet from RD 12100 L to RD 15313 R to enable irrigation of the land of the private respondents.

Learned counsel for the appellant contends that there was a water course sanctioned and is in existence for the last 40 years after consolidation and this change now is likely to prejudicially effect the appellant's interest.

After hearing the learned counsel for the parties and on perusal of the site plan on record as Annexure P-4, we are of the opinion that the view expressed by the learned Single Judge on the

basis of the findings recorded by the Chief Canal Officer deserves to be upheld.

The change is within the permissible parameters of 10% increase in area to the new outlet and it serves the interest of both the appellant and the respondent as their lands are much closer to the new outlet allotted i.e. RD 15313 R rather than which was existing earlier i.e., RD 12100 L which is at a considerable distance, away from the land of the private respondents.

We, thus, do not find any infirmity in the impugned order and the appeal stands dismissed.

(MAHESH GROVER)
JUDGE

(RAJ SHEKHAR ATTRI)
JUDGE

August 30, 2017

Paritosh Kumar

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No