

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

LPA No.588 of 2017 (O&M)

Date of Decision : 21.04.2017

Kartar Singh and another

....Appellants

Versus

Superintending Canal Officer, Patiala Circle
and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

....

Present: Mr. Gurvinder Singh Sidhu, Advocate
for the appellants.

Mr. Vijay Sharma, Advocate
for the caveator/respondent.

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MAHESH GROVER, J. (Oral)

This appeal is directed against the judgment of the learned
Single Judge dated 17.03.2017.

In dispute is a fresh outlet granted to the private
respondents. Learned counsel for the appellants with reference to
Paragraph No. 13.1 of the Canal and Revenue Manual states that no
new flow outlet except for the special reasons and with the previous
sanction of the Chief Engineer can be sanctioned if the discharge is
less than one Cusec. Paragraph No. 13.1 of the Canal and Revenue
Manual is extracted herebelow :

“No new flow outlet except for the special
reasons and with the previous sanction of Chief Engineer
should be sanctioned for ordinary cultivation with

discharge less than one Cusec, (in case perennial canals) and one Cusec at normal supply (in case Sutlej Valley non perennial canals).”

It is not disputed before us that appropriate sanction has been obtained from the Chief Engineer and Annexure R-2/1 in this regard has not been disputed. Strangely, the argument raised is that the flow is more than one Cusec, therefore, the new flow outlet could not have been sanctioned. We fail to understand this argument as the language of Paragraph No. 13.1, extracted above, indicates that it is only in the case of flow outlet less than one Cusec the sanction of the Chief Engineer is required. Evidently if it is more than one Cusec no such sanction is required. We have also perused the site plan and are of the opinion that absolutely no prejudice has been caused to the appellants whose land is on the top of the water course whereas the outlet sanctioned now is at the tail end.

Therefore, since the appellants have failed to show any illegality in the impugned order and have also failed to show any prejudice caused to them, we are of the opinion that the present appeal is totally frivolous and deserves to be dismissed. Ordered accordingly.

(MAHESH GROVER)
JUDGE

21.04.2017
dss

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No