

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
122**

CWP-11597-2018

Date of decision: 04.07.2018

Mange Ram

...PETITIONER

Vs.

State of Haryana and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Jitender K. Sehrawat, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court impugning the order dated 11.12.2017 (Annexure P-4) passed by the Divisional Canal Officer, Hisar Water Services Division, Hisar and the order dated 13.06.2017 (Annexure P-3) passed by the Sub-Divisional Canal Officer, Deosar Water Services Sub-Division, Hisar, on the ground that the authorities below have failed to appreciate that no consent has been given by the petitioner which has been made the basis for exercising the powers under Section 24(1) of the Haryana Canal and Drainage Act, 1974.

A perusal of the impugned orders would show that the predecessor-in-interest of the petitioner had, in fact, given consent for the construction of the RD 7560/R of Siwani Sub-Division. Petitioner has stepped into the shoes of the predecessor-in-interest and, therefore, cannot now wriggle out of the same. It is established from the record that there was a water course, which stood demolished by the petitioner on having

acquired the proprietary right of the land. The same being based upon the law cannot be, therefore, interfered with. It is now not out of way to mention here that with the demolition of the water course on the part of the petitioner, the irrigation of the entire area has been stopped and about 500 acres of land has been deprived of getting irrigation at site. In the larger interest of the beneficiaries and the landowners, the orders, as have been passed by the authorities, also do not inspire confidence of this Court to exercise its extraordinary jurisdiction. That apart, there being no illegality in the said orders, the same cannot be interfered with by this Court. The writ petition, therefore, stands dismissed.

July 04, 2018
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No