

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

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Civil Writ Petition No.15418 of 2018
Date of Decision: July 5th, 2018

Kuldeep Singh

...Petitioner

Versus

Superintending Canal Officer, Ferozepur Canal Circle, Ferozepur and
others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Judgepreet Singh Warring, Advocate
for the petitioner.

Mr. Rajinder Kumar Singla, Advocate
for caveators-respondents No.3 to 9.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the order dated 25.04.2018 (Annexure P-11) passed by the Superintending Canal Officer, Ferozepur Canal Circle, Ferozepur, order dated 19.12.2017 (Annexures P-7 and P-8) passed by the Divisional Canal Officer, Abohar Canal Division, Abohar-respondent No.2, whereby splitting the outlet No.136511-L Lambi Rajbah withdrawing 388.96 GA/388.88 CCA land to new outlet No.140207-L Lambi Rajbah has been approved.

2. It is the contention of learned counsel for the petitioner that the competent authority has not complied with the provisions of Section 30-A of the Northern India Canal and Drainage Act, 1873. His further contention is that the Divisional Canal Officer, Abohar Canal Division, Abohar-respondent No.2 has passed two contradictory orders dated 19.12.2017 and, therefore, the order passed by the Appellate Authority cannot sustain. That apart, he asserts that the level of the land of the petitioner is higher than the outlet which is being sought to be approved and, therefore, he would suffer loss in irrigation.

3. I have considered the submissions made by learned counsel for the petitioner as also the submissions of the counsel for the caveators.

4. On going through the impugned orders, especially the order dated 25.04.2018 passed by the Superintending Canal Officer, Ferozepur Canal Circle, Ferozepur, the Appellate Authority, the grounds which are sought to be projected before this Court, were not taken by the petitioner before any of the authority and, therefore, cannot be allowed to be raised at this stage when this Court is not exercising its powers as an Appellate Authority. In any case, perusal of the order passed by the Superintending Canal Officer, Ferozepur Canal Circle, Ferozepur, as also the site plan which has been attached with the writ petition, would show that no prejudice has been caused to the petitioner. As a matter of fact, the land of the petitioner falls on the new outlet and, therefore, there will be no loss of irrigation. That apart, the present proposed outlet reduces the distance by 2250 feet as compared to the earlier outlet of the land in question, which obviously would increase the irrigation. The interest of the irrigation of the land in question has been taken into consideration by the authorities below, which do not call for any interference by this Court.

5. In view of the above, finding no merit in the present petition, the same stands dismissed.

July 5th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No