

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

CWP No. 3981 of 2018 (O & M)

Date of decision: 07.08.2018

Harnek Singh and others

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. P.S. Brar, Advocate, for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 9589-CWP of 2018

Application for placing on record correct versions of
Annexures P-2 and P-3 is allowed, subject to all just exceptions.

The same are taken on record.

Office shall take the earlier ones off the record.

CWP No. 3981 of 2018

The petitioners challenge the order dated 07.06.2016
(Annexure P-2) passed by the Divisional Canal Officer, Ferozepur Canal
Circle, Ferozepur, which has been upheld on 15.03.2017 (Annexure P-3) by
the Superintending Canal Officer, Ferozepur Canal Circle, Ferozepur. A
prayer is made for dismissing the application of private respondents no. 4 to
8 vide which land has been transferred to the new outlets no. 18000/R and
15880/R.

The case of the petitioners is that the land of the private
respondents had been properly irrigated from the old outlet no. 49820/L as
Kameana Minor had been extended from Burji No. 7600/TF to Burji 37000
and two outlets no. 15880/R and 18000/R Kameana Minor have been given
on it. On account of the demand of the private respondents, same has been

accepted from these outlets which has now been challenged by the petitioners.

A perusal of the order of the Divisional Canal Officer read in consonance with the site plan (Annexure P-1) would go on to show that levelling report had been taken into consideration and the command area and keeping in view the distances and the fact that the land could be properly irrigated, the applications have been allowed, which was subject to the confirming of the same by the Superintending Canal Officer. The Appellate Authority has also appreciated the factual position on this thought by taking into account the command statement and the distances so that the irrigation can be done properly from outlet no. 15880/R and has come to the conclusion that the request of the respondents was genuine and in such circumstances, the order dated 07.06.2016 has been kept intact.

From a perusal of Annexure P-1, the site plan also, counsel for the petitioners could not demonstrate as such as to how the petitioners would be prejudiced and the order which has been passed is not in the interest of the irrigation facilities or the benefit of all the land owners from the water course.

In such circumstances, the factual finding which has been recorded by the authorities below does not suffer from any infirmity which would warrant interference in writ jurisdiction.

Accordingly, the writ petition stands dismissed in limine.

07.08.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No