

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

**LPA No.1008 of 2017 (O&M)
in CWP No.26081 of 2013
Date of Decision:06.02.2018**

Prahlad

...Appellant

Versus

The Divisional Canal Officer and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Ajay Kamboj, Advocate for the appellant.

RAJESH BINDAL, J.

Order passed by the learned Single Judge allowing the writ petition filed by respondents No.4 to 6 has been impugned in the present intra-court appeal.

Challenge before the learned Single Judge was to order passed by the authorities under the Haryana Canal and Drainage Act, 1974 (hereinafter referred to 'the Act' for short).

The argument raised by the learned counsel for the appellant was that proposed khar, i.e. watercourse, which was approved by the authorities was in fact cutting across the holding of land of the writ petitioners.

It was noticed by the learned Single Judge that the present appellant was getting the irrigation through the existing watercourse as shown in the plan as 'D E F' running through Rectangle No.97 Killas Nos. 5-6-15-16-25.

Considering the fact that proposed watercourse, as suggested by the appellant and approved by the authorities under the Act, is

bifurcating the land holding of writ petitioners, the impugned order was rightly set aside by the learned Single Judge. There is no error in the order passed by the learned Single Judge, as the appellant already has an alternate source of irrigation through the watercourse as referred to above.

Accordingly, the appeal has no merit and the same is dismissed. Consequently, the application for seeking condonation of 31 days' delay in filing the appeal is also dismissed.

(RAJESH BINDAL)
JUDGE

(ANIL KSHETARPAL)
JUDGE

06.02.2018
mks

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