

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-9072-2019

Date of Decision:-04.04.2019.

Subhash Chander

.....Petitioner

Versus

Superintending Canal Officer and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Paramjit Singh Jammu, Advocate for the petitioner.

AUGUSTINE GEORGE MASIH, J. (Oral)

Petitioner has approached this Court challenging the order dated 20.02.2019 (Annexure P-4) passed by the Superintending Canal Officer, Bhakra Water Services Circle, Sirsa whereby the claim of the petitioner for granting him *warabandi* from Naka-E as per site-plan (Annexure P-1) i.e. Rectangle No.108//16/25 on the plea that land of the petitioner starts after the land of Uday Pal-respondent No.5, who is a big land owner. He contends that the findings which have been recorded by the Superintending Canal Officer vide order dated 20.02.2019 (Annexure P-4) are not sustainable as the Superintending Canal Officer has not accepted plea of the petitioner.

2.) I have considered the submissions made by the learned counsel for the petitioner and with his assistance, have gone through the records of the case as well as the impugned order dated 20.02.2019 (Annexure P-4) but do not myself in agreement with the claim of the petitioner as the

Superintending Canal Officer has gone into the matter in detail and dealt with each and every aspect while dealing with the revisional appeal which was preferred by him. The relevant operative part of the order as regards the claim of the petitioner in the Revision Appeal No.102-R/2018 reads as follows:-

“DECISION:-

Revision Appeal No.102-R/2018

The arguments of both the parties have heard in detail. The case file, site plan and all other relevant documents placed on record also perused properly. In site plan submitted, the holding of revisionist Subhash has shown in pigeon colour while the holding of the respondent Uday Pal has shown in yellow colour. No doubt that the lined water course also passes along the holding of respondent Uday Pal but the other water course also running on patthar line between rect. no.103 and 108 and on eastern line of rect/killla no.108//1-10-11, and southern side of second water course. His holding falls after the holding of Dharam Pal and wari is fixed correctly after wari of Dharam Pal. Moreover if the wari of area of respondent Uday Pal is fixed on lined water course, in that case the appellant Subhash is not entitle to take naka at demanded site i.e. 108//16-25 because generally the naka for taking water, to any shareholder, is fixed at starting point of land of previous land owner. In that circumstance the appellant will have to fill the one killa more length of water course. The Divisional Canal Officer has already granted four minutes special bharai for holding of the appellant Sh. Subhash s/o Ram Narayan. The area of revisionist is being irrigated through lined water course passing in between rect. no.108 and 109. Thus the wari of the revisionist is fixed correctly after wari of Smt.

Roopa Rani khata no.17.”

Under the circumstances, mention above, I do not found any solid reason to allow the application. Thus the revision application No.102-R/2018 is dismissed.”

- 3.) This Court does not find any illegality in the order which has been impugned by the petitioner as the same is based upon proper appreciation of the principles as applicable to the irrigation.
- 4.) Writ petition being devoid of merit, therefore, stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

April 04, 2019.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.