

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH

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CWP-11832-2019

Date of decision: 20.11.2019

KURDA RAM

...PETITIONER

VS.

STATE OF HARYANA AND OTHERS

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Narender Kaajla, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the order dated 12.06.2017 (Annexure P-4) passed by the Chief Canal Officer, Bhakra Water Services, Irrigation Department, Haryana-respondent No. 5, order dated 08.05.2017 (Annexure P-3) passed by the Superintending Canal Officer, Bhakra Water Services Circle No. 1, Hisar, District Hisar-respondent No. 4 and order dated 02.02.2017 (Annexure P-2) passed by the Divisional Canal Officer, Water Services Division, Hisar, District Hisar-respondent No. 3, vide which the *warabandi* has been modified at outlet RD 3950-L at Chaudhary Minor by changing the turn of the water which was ordered by the Deputy Collector vide order dated 28.09.2016 (Annexure p-1).

It is the contention of the learned counsel for the petitioner that

with the change in the *warabandi*, petitioner, who used to get the residue

water earlier being a branch of the main watercourse, would be deprived of the said water because now the water will flow to the 'BC' at a subsequent stage. He contends that the earlier situation, as was ordered by the Deputy Collector dated 28.09.2016 (Annexure P-1), was as per the principles of *warabandi* since the main watercourse has to be filled up first and thereafter the branch watercourse be restored. He contends that the orders, which have been impugned, are not sustainable and deserve to be set aside.

I have considered the submissions made by the learned counsel for the petitioner and with his assistance, have gone through the impugned orders as well as the map (Annexure P-5) which has been placed on record.

A perusal of the impugned orders as well as the map would show that the orders, as have been passed by the authorities which have been challenged, are based upon exercising a judicious and justifiable reasoning for changing the *warabandi* because by first enabling the petitioner to get the water from the branch of the main canal, the wastage of the water would be curtailed as the water would flow first to the 'BDE' and in any case, the petitioner would receive the residue at the tail end. It is subsequently that the 'BC' would be filled up as per the *wari* of Amar Singh. No prejudice appears to have been caused to the petitioner by change of *warabandi*. The exercise of the powers by the authorities, which orders have been impugned, cannot be said to be either not in consonance with the principles of *warabandi* or causing any prejudice to the petitioner, rather the authorities have come to a conclusion that the sequence as well as taking and delivery points having been fixed by the Divisional Canal Officer to utilize the canal supply in an economic and judicious manner and the same is correctly based upon the principles of *warabandi* which cannot be faulted

with.

In the light of the above, finding no merit in the present writ petition, the same stands dismissed.

November 20, 2019
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No