

CWP-26213-2013

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

CWP-26213-2013

Date of Decision: 2nd July, 2019

Krishan Lal

...Petitioner

Versus

The Chief Canal Officer & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Vikas Suri, Advocate
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

Mr. Ashok Verma, Advocate
for respondents No.4 to 10 and 12 to 17.

AUGUSTINE GEORGE MASI, J. (ORAL)

Challenge in this writ petition is to the order dated 19.08.2013 (Annexure P-3) passed by the Chief Canal Officer, Bhakra Water Services Circle, Irrigation and Water Resources Department, Haryana – respondent No.1 upholding the order dated 21.06.2013 (Annexure P-2) passed by the Superintending Canal Officer, Bhakra Water Services Circle, Sirsa – respondent No.2, whereby, order dated 17.10.2012 (Annexure P-1) passed by the Divisional Canal Officer, Rori Water Services Division, Sirsa – respondent No.3 has been set aside.

2. It is the contention of the learned counsel for the petitioner that the order passed by the Divisional Canal Officer, Rori Water Services Division, Sirsa – respondent No.3, dated 17.10.2012 (Annexure P-1) is based upon proper appreciation of the ground realities and in the interest of

better irrigation of the land of the petitioner. His further contention is that the land in question of the petitioner is nearer to the Teja Khera Distributary and therefore, he has rightly sought for change of the nakka from Chauthala Distributary to Teja Khera Distributary. His further contention is that the orders as passed by the Chief Canal Officer, Bhakra Water Services Circle, Irrigation and Water Resources Department, Haryana – respondent No.1, and by the Superintending Canal Officer, Bhakra Water Services Circle, Sirsa – respondent No.2, dated 19.08.2013 and 21.06.2013 (Annexure P-3 and P-2) respectively, cannot sustain as they are based upon the reasoning that the land of the petitioner is being properly irrigated. Prayer has, thus, been made for setting aside the impugned orders and restoring the order dated 17.10.2012 (Annexure P-1) passed by the Divisional Canal Officer, Rori Water Services Division, Sirsa – respondent No.3.

3. On the other hand, learned counsel for the respondents contend that the Superintending Canal Officer, Bhakra Water Services Circle, Sirsa and the Chief Canal Officer, Bhakra Water Services Circle, Irrigation and Water Resources Department, Haryana, have taken into consideration all the aspects and on the basis of the statements, khaka plan and three years irrigation statement observed that the watercourse from where the petitioner has been given an outlet is a lined watercourse and 151% irrigation has been provided to the petitioner, meaning thereby that the land of the petitioner is being properly irrigated. It has further been contended that the outlet, which is being sought by the petitioner is from a kacha khal and therefore, it cannot be assumed that it would be a source of better irrigation to the land

CWP-26213-2013

of the petitioner. In any case, they contend that since the petitioner is getting sufficient water, no change in the naka is called for. An assertion has also been made that there is no water course leading to the fields of the petitioner and therefore, would not be entitled to the claim.

4. I have considered the submissions made by the learned counsel for the parties and with their assistance have gone through the records of the case and find myself in agreement with the stand taken by the respondents.

5. This Court is satisfied that the land of the petitioner has been properly irrigated rather it is getting 151% irrigation from the existing source of outlet at RD 8166-R Chautala Distributary and therefore, no interference in the detailed and well-reasoned orders passed by the Superintending Canal Officer, Bhakra Water Services Circle, Sirsa and the Chief Canal Officer, Bhakra Water Services Circle, Irrigation and Water Resources Department, Haryana, dated 19.08.2013 and 21.06.2013 (Annexure P-3 and P-2), is called for.

6. In view of the above and keeping in view the reasons assigned in the impugned orders, no illegality has been found in the same which would call for any interference in exercise of the writ jurisdiction. The writ petition being devoid of merit stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

2nd July, 2019
Harish

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