

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

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Civil Writ Petition No.21739 of 2019
Date of Decision: August 20th, 2019

Prem Kumar

...Petitioner

Versus

Chief Canal Officer, Bhakhra Water Service Unit, Haryana Irrigation and
Water Resources Department, Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Kartar Singh, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the order dated 06.08.2014 (Annexure P-2) passed by the Divisional Canal Officer, Sirsa, appeal against which preferred by the petitioner before the Superintending Canal Officer was dismissed vide order dated 26.05.2015 (Annexure P-3) with a further appeal preferred by him before the Chief Canal Officer having been dismissed vide order dated 11.06.2019 (Annexure P-4).

2. Learned counsel for the petitioner contends that respondent No.4-Meera Devi had filed an application for sanctioning watercourse 'AB' and to make operational in Killa No.2 of Rectangle No.22 which was not being permitted to be utilised for the purpose of irrigation by the petitioner as it was not lined and the distance between the land of respondent No.4 and that of the petitioner was 4 feet only. Because of non-operation of this canal, respondent No.4 was not getting any water. The said application has been allowed by the Divisional Canal Officer, Sirsa, vide order dated 06.08.2014 (Annexure P-2) without taking into

was sought to be done by the Command Area Development Authority, an agreement was entered into between the parties, according to which the petitioner was to get nine *marlas* of land in exchange for the watercourse as the same would be utilised for the said purposes but without giving the land in exchange, respondent No.4 intended to utilise the watercourse 'AB'. He, thus, contends that in the absence of the compliance of the terms and conditions of the agreement, respondent No.4 did not have a right to claim a watercourse through the land of the petitioner. On this basis, he contends that the order dated 26.05.2015 (Annexure P-3) passed by the Superintending Canal Officer and the order dated 11.06.2019 (Annexure P-4) passed by the Chief Canal Officer also cannot sustain.

3. I have considered the submissions made by learned counsel for the petitioner and with his assistance, have gone through the impugned orders.

4. The basic plea and the ground on which the petitioner is harping upon is an alleged agreement which has been entered into between the petitioner and respondent No.4. No document has been placed on record which would substantiate the arguments as has been raised by the counsel for the petitioner, rather the authorities below have given a definitive finding that despite opportunities given to the petitioner to produce the agreement with regard to the exchange of land with respondent No.4 at the time of lining of the watercourse, no such document has been placed on record except for the oral submission of the petitioner before the authorities. The factum of the watercourse being in existence for more than 20 years has also been fully established, which findings have been returned by the authorities.

5. In view of the above, the impugned orders cannot be said to be in violation of any of the provisions of the statute, which would call for any interference by this Court in exercise of its writ jurisdiction.

6. The writ petition, therefore, stands dismissed.

August 20th, 2019

Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: `No