

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

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Civil Writ Petition No.22193 of 2019
Date of Decision: August 22nd, 2019

Gursewak Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. S.K. Jain, Advocate
with Mr. Akshay Jain, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the order dated 24.06.2019 (Annexure P-4) passed by the Chief Canal Officer, BWS Unit, Haryana Irrigation and Water Resources Department, Panchkula, dismissing the appeal preferred by the petitioner against the order dated 22.06.2015 (Annexure P-3) passed by the Superintending Canal Officer, setting aside the order dated 14.11.2014 (Annexure P-1) passed by the Divisional Canal Officer, Rori Water Services Division, Sirsa.

2. It is the contention of learned counsel for the petitioner that in case the *nakka* as claimed by respondent No.5 at Point No.95/21 X 111/2 is permitted to operate, it would result in bifurcating the land of the petitioner, rather a small strip of land belonging to the petitioner would be rendered useless, which would fall between the *pucca* lined canal and the land of respondent No.5. He, thus, contends that the petitioner would have no grievance if the *nakka* is provided to respondent No.5 on lined watercourse, which runs from point 'A' to 'B' in the site plan (Annexure P-2).

3. I have considered the submissions made by learned counsel for

the petitioner and with his assistance, have gone through the impugned

orders passed by the authorities.

4. Perusal of the terms and conditions, as have been passed by the Appellate Authorities, would clearly indicate that there is a lined watercourse which runs along with land of the petitioner in between Killa No.111-95. A portion of Killa No.111 is the ownership of the petitioner, whereas another portion thereof is that of respondent No.5, which has been shown in yellow. Since there is already a sanctioned watercourse and from there, the *pucca nakka* has been provided as is apparent from the findings recorded by the authorities in the impugned order, the said aspect having been gone into by the authorities concerned, cannot be faulted with, especially when it has been mentioned that there is a sanctioned watercourse, sanctioned *nakka* and the *warabandi* report also reveals that the watercourse has been running at the site for many years for irrigation of the area of respondent No.5.

5. If that be so, it cannot be said that the orders which have been passed by the Superintending Canal Officer and the Chief Canal Officer can be faulted with, especially when it has been further observed that if the *nakka* at 95//21 X 111//2 is cancelled which would lead to demolition of the running watercourse, the same cannot be done without resorting to change of the alignment of the watercourse which has to be proceeded as per the provisions of the Canal Act. The impugned orders, thus, being in accordance with law, cannot be interfered with.

6. The writ petition being devoid of merit, therefore, stands dismissed.

August 22nd, 2019

Puneet

(AUGUSTINE GEORGE MASIH)

JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No