

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

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Civil Writ Petition No.33969 of 2019

Date of Decision: November 21st, 2019

Sh. Jagjeet Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Sudha, Advocate
for the petitioner.

Mr. Akashdeep Singh, Advocate
for caveator-respondent No.5.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the order dated 04.07.2019 (Annexure P-3) passed by the Superintending Canal Officer, Sirhind Canal Circle, Ludhiana-respondent No.4, order dated 20.03.2018 and 31.10.2018 (Annexures P-1 and P-2 respectively) passed by the respondents No.2 and 3 i.e. the Deputy Collector, Bathinda Canal Division, Bathinda and the Divisional Canal Officer, Bathinda Canal Division, Bathinda.

2. Learned counsel for the petitioner states that the petitioner had moved an application for sanction of a fresh watercourse from Point A1, which has not been accepted by the authorities. She contends that the said prayer of the petitioner was fully justified in the light of the fact that the petitioner was not getting appropriate water to irrigate the land but without taking that into consideration, the authorities have proceeded to reject the claim of the petitioner. She, thus, contends that the impugned orders cannot sustain and deserve to be set aside.

3. On the other hand, learned counsel for respondent No.5-

caveator asserts that the order which has been passed by the authorities

below is based upon not only the record but physical verification as well, where it has been categorically found that there is no *nakka* at Point A1 and in the absence of *nakka*, the claim of the petitioner for grant of a watercourse from the said point, is not sustainable. He further asserts that the distance of the present watercourse, which is irrigating the land of the petitioner, is smaller as compared to the watercourse which is being sought by the petitioner. He, thus, contends that the orders as passed by the canal authorities, being in accordance with law, do not call for interference.

4. I have considered the submissions made by the counsel for the parties and with their assistance, have gone through the site plan (Annexure P-4) and the impugned orders, which have been placed on record.

5. Perusal of the said orders would indicate that the canal authorities have visited the spot and have also gone through the records and on verification of the position, as it exists at the site, have come to a conclusion that there is no *nakka* at Point A1, from where the petitioner is seeking a watercourse for irrigation of the land. In the absence of any *nakka* in the canal at the point, from which the petitioner is seeking the said watercourse, the claim as made, could not have been accepted by the authorities and has rightly been rejected. Apart from the fact that not only the records have been seen but the Deputy Collector, Bathinda Canal Division, Bathinda, had visited the spot and had, after physical verification, come to a conclusion that the prayer of the petitioner cannot be accepted.

6. In the light of the above, no interference in the orders as impugned by the petitioner, is called for by this Court in exercise of its extraordinary writ jurisdiction under Article 226 of the Constitution.

7. The writ petition, therefore, stands dismissed.

November 21st, 2019
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No