

## IN THE HIGH COURT OF PUNJAB &amp; HARYANA AT CHANDIGARH

CWP No. 1693 of 2020

Date of Decision: January 22, 2020

Gurlal Singh and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

\*\*\*

Present: Mr. Ashish Midha, Advocate  
for the petitioners

\*\*\*

**Sudhir Mittal, J. (Oral)**

Vide order dated 07.10.2011, respondent No. 3 approved the construction of proportional distributor at Outlet RD 109045 of Budhlada Branch. The said order was challenged vide CWP No. 11511 of 2012. The writ petition was disposed of vide order dated 10.09.2015 directing the respondents to keep in mind the conditions imposed by the Superintending Engineer, Patiala Circle, IB Patiala, in his letter dated 07.10.2011 so that the proportional distributor does not adversely affect water to be discharged from the lower outlets.

Learned counsel for the petitioner contends that width of the Canal is going to be reduced to less than half by construction of proportional distributor and, thus, the water discharge at lower outlets would be adversely affected. The design is faulty and directions need to be given for changing/modifying the same.

The design of the proportional distributor has already been examined and approved by the Superintending Engineer, Patiala Circle, Irrigation Circle Patiala. He is the technical authority and the design has got his stamp of approval.

Without any material on record, I can not opine that the design is faulty and that modifications are required. Apart from representations dated 06.01.2020 and 16.01.2020, there is nothing on record to indicate that the discharge of water at lower outlets is being adversely affected. Thus, it appears, that the writ petition has been filed only to delay the process of construction of proportional distributor which was approved way back in the year 2011.

There is no merit in the present writ petition and the same is dismissed.

January 22, 2020

*reena*

**[SUDHIR MITTAL]**  
**JUDGE**

**Whether speaking/reasoned : Yes/No**

**Whether Reportable : Yes/No**