

CWP No. 14278 of 2019 (O&M)

Date of Decision: February 13, 2020

Balwinder Singh and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Gurmeet Singh, Advocate
for the petitioners

Sudhir Mittal, J. (Oral)**CM No. 2551-CWP of 2020**

Through this application, the applicants wish to place on record letter dated 14.08.2019 as Annexure P-6 and seek exemption from filing certified copy thereof.

Application is allowed and the exemption sought for is granted and Annexure P-6 is taken on record.

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The petitioners are aggrieved because their legal notice dated 10.01.2019 has been rejected vide communication dated 08.02.2019.

The petitioners claim that the co-sharers of the water course irrigating their lands are not following the sanctioned warabandi. They are also illegally irrigating their fields through pipe lines. Consequently, a legal notice dated 10.01.2019 was served upon the canal authorities but the same has been illegally rejected by communication dated 08.02.2019 sent by the Zileadar, Bagha Purana,

Sub Division Gholia.

A perusal of the communication dated 08.02.2019 shows that there is no sanctioned turn of water in respect of the concerned Mogha. The co-sharers have privately decided their respective turn of water. It has also been mentioned therein that the underground pipe lines referred to by the petitioners have been laid by the Soil Conservation Department and not by the Canal Department.

Learned counsel for the petitioners has been unable to show that the reasons mentioned in the communication dated 08.02.2019 are unsustainable in law. It has orally been submitted that the water course is flowing through the land of the petitioners on account of which their holding has been reduced.

The grievance of reduction in holding has not been raised in the legal notice dated 10.01.2019 and consequently no response thereto has been given in the communication dated 08.02.2019. If at all the petitioners seek realignment of the water course, they have an appropriate remedy available under the statute. No relief can be granted by the writ Court directly.

For the aforementioned reasons, the writ petition has no merit and the same is dismissed.

February 13, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No