

CWP-2688-2021 (O&M)
Date of Decision:- 28.06.2021

VEDPAL AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**Present:** Mr. G.P.S. Bal, Advocate, for the petitioners.

Mr. R.K.S. Brar, Addl. Advocate General, Haryana.

Mr. Vivek Khatri, Advocate, for
respondent No.5.**SUDHIR MITTAL, J. (Oral)**

The petitioners have challenged various orders passed by the Canal Authorities in proceedings for shifting of an outlet and simultaneous proceedings for grant of warabandi.

The record shows that the first petitioner filed an application dated 06.08.2019 for shifting of outlet from RD 58600/R to RD 59000/R, Deosar Feeder. The application was allowed by the Divisional Canal Officer vide order dated 25.11.2019. In appeal filed by the private respondent, the Superintending Canal Officer modified the said order vide his order dated 23.04.2020 and directed that shifting of the outlet be deferred for one year and the same be kept under observation for the said period. Thereafter, a fresh decision be taken by the Divisional Canal Officer.

Meanwhile, the private respondent approached the Deputy-Collector, Hisar Water Services, Hisar for grant of new warabandi. The said prayer was granted vide order dated 26.07.2019 against which appeal and revision have been rejected.

Ld. Counsel for the petitioners has contended that period of one year has elapsed since the passing of order dated 23.04.2020 by the

Superintending Canal Officer and thus the matter regarding shifting of outlet is under consideration of the Divisional Canal Officer. Thus, implementation of the order of warabandi dated 26.07.2019 be kept in abeyance as the same would cause untold difficulty.

In response, learned counsel for the private respondents submits that even if the order of warabandi is implemented, and order of shifting of the outlet is passed afresh, the order dated 26.07.2019 sanctioning warabandi would be rendered redundant and thus the petitioners would not be adversely affected. Meanwhile, on account of the stay order passed by this Court, the supply of water to the land of the petitioners from the existing outlet i.e. RD 58600/R has ceased and no irrigation is available.

From the aforementioned facts, it is evident that as on date, the Divisional Canal Officer is seized of the matter regarding shifting of outlet. In case the said matter is decided in favour of the applicant i.e. petitioner No.1, order of sanctioning of warabandi would automatically cease to exist. Thus, implementation thereof during the pendency of proceedings before the Divisional Canal Officer (regarding shifting of outlet) would not be adverse to the interest of the petitioners. The petitioners are not aggrieved by the order dated 23.04.2020 passed by the Superintending Canal Officer.

Thus the writ petition has no merit.

It is accordingly dismissed.

(SUDHIR MITTAL)
JUDGE

28.06.2021

Neelam

Whether speaking /reasoned
Whether Reportable

Yes/No
Yes/No