

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.115

CWP-10451-2021 (O&M)
Date of decision : 20.07.2021

Hardial Kaur

..... Petitioner

VERSUS

Superintending Engineer, Exercising The Power of Superintending Canal
Officer and Others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. N.S. Kamboj, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

CM-8923-CWP-2021

The application is allowed as prayed for.

Exemption sought for is granted.

CM-8924-CWP-2021

The application is allowed as prayed for.

Annexures P-5 to P-6 are taken on record.

CWP-10451-2021

The petitioner has challenged order dated 10.06.2019, passed by the Divisional Canal Officer, Harike Canal Division, Ferozepur and order dated 16.03.2021, passed by the Superintending Canal Officer, Sirhand Canal Circle, Ludhiana, by way of this writ petition.

Respondent No.4 had moved the Divisional Canal Officer for sanctioning a water-course to irrigate her land from Mogha Burji No.28000/L Sapanwali Minor as her land did not have any source of irrigation and had become banjar. Vide order dated 10.06.2019, the application was allowed after following the process prescribed by law. Appeal was dismissed vide order dated 16.03.2021.

Learned counsel for the petitioner has argued that the site plan (Annexure P-5) clearly shows that by virtue of the sanctioned water-course, the land of the petitioner would be divided into two parts and thus, the impugned orders are liable to be set aside.

A perusal of the record as well as the site plan (Annexure P-5) shows that land of respondent No.4 comprised in Plot No.113 does not have any other source of irrigation. Thus, it has become banjar. Under the circumstances, the difficulty being experienced by respondent No.4 is much more than that to be experienced by the petitioner on construction of a new khal through her land. Thus, I do not find any infirmity in the impugned orders.

The writ petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

20.07.2021

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No