

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

Sr. No.119

**CWP-15044-2021 (O&M)
Date of decision : 09.08.2021**

Balvir Singh

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. P.K.S. Phoolka, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner has challenged order dated 25.02.2020 passed by the Superintending Canal Officer in this writ petition.

The relevant facts are that the private respondents had filed an application for shifting of their turn of water to another khata. The same was allowed, however, the appeal of the petitioner succeeded and the order was set aside. This order was challenged by respondents No.6 and 7, but they failed. The respondent No.5 sought review thereof, which was allowed. Matter was remanded to the Deputy Collector for fresh decision. After remand, the Deputy Collector has rejected the application of the private respondents, but this order has been set aside in appeal filed by them. The revision against said order filed by the petitioner has been rejected.

Learned counsel for the petitioner has argued that the land of the private respondents does not come first and thus, the principle of 'first come first get' is not applicable. The contention cannot be accepted because the issue of first come first get was raised by the private respondents before the Deputy Collector, but he did not take the same into consideration while passing order dated 28.07.2014. The Superintending Canal Officer has passed the impugned order on the basis of said principle and for success the

petitioner was required to show that in fact, the land of the private respondents does not come first. Having failed to do so, the contention of learned counsel for the petitioner cannot be accepted.

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

(SUDHIR MITTAL)
JUDGE

09.08.2021
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No