

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

**LPA No.913 of 2021 in
CWP No.18322 of 2021
Date of Decision: 30th September, 2021.**

Ranjeet Singh & Others

...Appellants

Versus

Superintending Canal Officer & Others

...Respondents

(Heard through Video-Conferencing)

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Vijay Sharma, Advocate,
for the appellants.

Mr. Surinder Garg, Advocate,
for the caveator.

* * * * *

MEENAKSHI I. MEHTA, J.

Feeling aggrieved by the judgment dated 21.09.2021 rendered by the Single Bench of this Court whereby CWP No.18322 of 2021 preferred by the appellants to assail the order dated 19.01.2021 (Annexure P-1) passed by Division Canal Officer-respondent No.2 and the order dated 12.08.2021 (Annexure P-3) as passed by Superintending Canal Officer-respondent No.1, has been dismissed, the appellants have preferred the instant appeal.

The facts, culminating in the filing of this appeal, are that respondent No.3-Sukhmandir Singh and certain other co-sharers of the water outlet No.13850-L moved an application before respondent No.2 for seeking the sanction of a new water outlet No.16350-L for their agricultural land,

while averring that the existing outlet was not sufficient to irrigate their fields as it was damaged at several points, resulting in the pilferage of the water towards the land located nearer to it than their chunks of land.

Respondent No.2, vide the impugned order Annexure P-1, sanctioned the afore-prayed new water outlet. The appellants filed an appeal against the said order before respondent No.1 who rejected/dismissed the same vide the order Annexure P-3. The above-said Civil Writ Petition filed by the appellants (as writ-petitioners therein) also met the same fate as discussed in the opening para of this judgment.

We have heard learned counsel for the appellants as well as learned counsel for the Caveators in the present appeal at the preliminary stage and have also gone through the file thoroughly.

Learned counsel for the appellants contends that respondent No.2 proceeded to pass the impugned order Annexure P-1 without affording the opportunity to the appellants to be heard despite the fact that their counsel could not appear before him due to the death of a young lawyer. Secondly, he has contended that the pipe line for new water outlet, as sanctioned vide the impugned orders, would cross through the '*abadi*' (inhabited) area of the village and in case, the said pipes leak out, the houses of the appellants would be facing the problem of seepage and would, thereby, suffer damage. Lastly, he has contended that due to the new water outlet, the water in the existing outlet would decrease and the appellants would not be getting sufficient water for irrigating their fields.

As regards the first contention qua the appellants having not been

heard by respondent No.2 before passing the impugned order Annexure P-1, we do not find much force in the same because a perusal of this order reveals that initially, both the parties were heard by the said respondent on 25.11.2020 and the matter was adjourned to 29.12.2020 and on that date, the parties appeared for hearing and on the request of one of the appellants named Gurmeet Singh, the matter was adjourned to 19.01.2021 and on that day, respondent No.2 passed the said order while discussing the contentions of both the parties therein, in detail. Moreover, the appellants were duly represented and were also heard by the Appellate Authority, i.e respondent No.1, before passing the impugned order Annexure P-3. It being so, the above-said contention pales into insignificance.

So far as the second contention regarding the possibility of the water pipes, as laid underneath the ground for the purpose of the new outlet, leading to seepage and causing damage to the houses of the appellants is concerned, it is worth-while to mention here that respondent No.2 has, specifically, observed in the order Annexure P-1 that the said pipe-line is to be laid three feet deep and respondent No.1 has also categorically mentioned in the impugned order Annexure P-3 that the pipe-line laid at the aforementioned depth along-side the berms of the metalled road, is technically correct. The appellants have not been able to place any material on the record to show that the above-discussed observations of both the respondents are factually incorrect.

Further, though the last of the grounds, as taken by the appellants to oppose the sanction of the said new water outlet, is that it would result in

decrease in the water level in the existing outlet but again, in order Annexure P-1, respondent No.2 has clearly mentioned that rather, in such an eventuality, the turn of the area increases and therefore, there is no possibility of any adverse effect on the irrigation and moreover, respondent No.1 has also observed in order Annexure P-3 that the said order passed by respondent No.2 is upheld in the interest of the better irrigation and crop production.

In view of the fore-going discussion, we are of the considered opinion that the impugned order, as passed by learned Single Bench, does not suffer from any illegality or perversity so as to call for any interference by us. Resultantly, the appeal in hand, being *sans* any merit, stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

30.09.2021.
seema

Whether speaking/reasoned?	Yes
Whether Reportable?	No