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

**LPA-170-2022
DECIDED ON:MARCH 2nd, 2022**

RAJNISH AND OTHERS

.....APPELLANTS

VERSUS

CHIEF CANAL OFFICER HARYANA AND OTHERS

.....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Ms. Rupinder Kaur Thind, Advocate
for the appellants.

(PROCEEDINGS THROUGH VC)

AUGUSTINE GEORGE MASIH, J (ORAL)

Challenge in this appeal is to the order dated 9th February, 2022 passed by learned Single Judge in CM-1327-CWP-2022 in CWP-26059-2021 wherein, application filed for issuance of directions to the official respondents by the applicants/petitioners, who are appellants before this Court, to decide the issue relatable to the adequacy or otherwise of the irrigation to the land of the petitioners, which was mentioned in the order dated 6th January, 2022 prior to the implementation of the impugned order in the writ petition. The said application has been rejected by contending that the same would amount to stay of the impugned order, although worded differently and having an effect to the extent as mentioned.

Learned counsel for the appellants submits that the learned Single Judge has not appreciated it while passing the order dated 6th January, 2022. The court had issued notice on the question of availability of adequate irrigation to the land of the petitioners. By the process by which now the construction of the outlet is being made, the aspect with regard to the adequacy of the available irrigation for the land of the petitioners is not being taken into consideration. She asserts that the diameter of the outlet is being reduced from 9 inches to 6 inches which would reduce the flow of irrigation water in the land of the petitioners. She, therefore, prays that the prayer as has been made in the application before the learned Single Judge, which has been rejected vide order dated 9th February, 2022 deserves to be modified.

Having considered the submissions made by the counsel for the appellants, we are of the considered view that no interference in the order passed by this Court on 9th February, 2022 is called for specially in the light of the fact that the Court had taken note of the statement of the counsel for the petitioners/appellants who had appeared before the Court on 6th January, 2022 when the writ petition has come up for hearing to the extent and limited to it i.e. *“It is made clear that the case will be heard only on the issue of availability of adequate irrigation to the land of the petitioners.”*

Since the Court had issued notice on a limited aspect, the aspect with regard to the adequacy of the irrigation water for irrigation of the land of the petitioners/appellants is the one which is to be decided by the Court. In case the prayer of the appellants is accepted that would clearly amounts to staying the impugned orders. We do not find any ground for interference in the impugned order and therefore, no interference is called for by this

Court in the present appeal.

Accordingly, the present appeal is dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

MARCH 2nd, 2022
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>