

219 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-1766-2017 (O&M)
Date of Decision:10.11.2022.

Satbir

.....Appellant

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Balbir Singh Sewak, Advocate
for the appellant.

Mr. Deepak Bhardwaj, DAG, Haryana.

Mr. Ashwani Bharadwaj, Advocate
for respondent No.7.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the order dated 10.08.2017 passed by the learned Single Judge vide which the order passed by the Chief Canal Officer dated 13.05.2017 (Annexure P-7) has been upheld relying upon the technical aspect with regard to not only the water level in the distributory but also the level of the field and the distance from where the outlet is to supply water to the beneficiaries. The details with regard to the said technical aspect have also been given and reproduced as recorded by the Chief Canal Officer by the learned Single Judge in the impugned order.

Counsel for the appellant has asserted that the well-reasoned orders passed by the Divisional Canal Officer as well as the Superintendent Canal Officer has been set aside and upset by the Chief Canal Officer without appreciating the

reports which has been submitted by the field staff. The field staff has actually

visited the spot and having visited the site have submitted the reports on which reliance has been placed by the two authorities for coming to a conclusion with regard to sanction of the water outlet at RD-46420-R Bhalaut Distributory. He on this basis contends that the impugned order passed by the learned Single Judge as also the order passed by the Chief Canal Officer can not sustain.

Counsel for the respondents have supported the order passed by the Chief Canal Officer as also the learned Single Judge by asserting that the details with regard to the water level, the level of the fields i.e., the natural surface level as also the distance with regard to the water-course/length thereof has not been refuted by the appellant. There is nothing on record to disturb the finding which is based upon the technical details as have been made available on the basis of the record and has been taken into consideration by the Chief Canal Officer. Mere assertion on the aspects with regard to the field visit of the staff cannot be made the basis for upsetting the findings as have been recorded by the Chief Canal Officer which is based upon the reports submitted by the technical staff with regard to the full supply level of water in the distributory as also the natural surface level and the length of water-course. All these aspects having been based upon proper technical considerations, the said findings do not call for any interference by this Court in the present appeal.

Having considered the submissions made by the counsel for the parties and on going through the orders passed by the Chief Canal Officer as also the learned Single Judge, who has placed reliance thereof and reproduced the relevant portion thereof, we do not find any ground to interfere in the findings of learned Single Bench as also the orders passed by the Chief Canal Officer. There is a well reasoned and justified ground given for sanctioning RD-47120-R which in our opinion keeping in view the technical aspects especially the full supply

length of the water-course which has been taken into consideration makes it amply clear that the order passed by the Chief Canal Officer as upheld by the learned Single Judge is fully justified.

Finding no merits in the present appeal, the same therefore stands dismissed.

In view of the dismissal of the main case, no orders are required to be passed in the pending civil miscellaneous applications and the same stand disposed of as having been rendered as infructuous.

(AUGUSTINE GEORGE MASIH)
JUDGE

10.11.2022

rekha sharma

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned : *Yes/No.*
Whether reportable : *Yes/No.*