

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-29194-2019

Date of Decision: 29.04.2022

Krishan Kumar

....Petitioner

VS

Superintending Canal Officer and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. J.S. Thind, Advocate
for the petitioner

SUDHIR MITTAL, J. (Oral)

The petitioner is aggrieved because on an application filed by respondent No. 4 his land was transferred to another water course and his turn of water was fixed thereupon. Appeal and revision filed by the petitioner have failed and, thus, the present writ petition has been filed.

Learned counsel for the petitioner submits that the petitioner has no grievance to the transfer of the land of the private respondent to the water course irrigating the land of the petitioner provided his turn of water is after the turn of water of the petitioner. The petitioner's land is situated before the land of respondent No. 4 and, thus, according to the principles of irrigation the turn of water of the petitioner has to be before the turn of water of the private respondent. Accordingly, the petitioner would also be entitled for '*Bharai*'.

The site plan of the area is on record as Annexure P-5. A perusal of the same shows that the land of respondent No. 4 lies in Killa No. 60 colored in green whereas the land of the petitioner lies in Killa No. 56 colored in blue and adjoining the water course shown in red color flowing from top to bottom. Land

in Killa No. 50 colored in orange also belongs to the family of the petitioner.

Water course shown in red color flowing from the right side of Killa No. 56 and flowing downwards and turning towards the left, then turning downwards and flowing towards Killa No. 48, is the water course on which the parties have been allotted turn of water. It is, thus, evident that the land of respondent No. 4 in green color lies at the tail end. Accordingly, the '*Bharai*' has to go to the said land. Grant of turn of water before the turn of water of the petitioner is also not illegal because the land of the petitioner is continuing beyond Killa No. 52 upto Killa No. 54 also. It is, thus, incorrect to say that the land of respondent No. 4 is located before the land of the petitioner.

In view of the above, the writ petition has no merit and is dismissed.

29.04.2022
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(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No