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

CWP-10862-2022

Date of Decision: September 13, 2023

Khushi Ram alias Khushiya

.....Petitioner

Versus

Superintending Canal Officer, Bhakra Water Services Circle, Kaithal and
others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.R.N.Lohan, Advocate
for the petitioner.
Ms.Upasana Dhawan, AAG, Haryana.
Mr.S.S.Mor, Advocates
for respondent No.4.

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RAJESH BHARDWAJ, J.(ORAL)

Petitioner has approached this Court praying for quashing of
order dated 04.05.2022, Annexure P-4, passed by respondent No.1.

On 25.08.2023, the case was heard at length and
respondents/State was directed to file a specific affidavit, which has been
placed on record today in Court.

Learned State counsel has drawn attention of this Court to the
affidavit, dated 05.09.2023, filed today in Court, wherein it has been stated
that there is no other water course available for respondent No.4 at site for
irrigation of the area in the chak of outlet at RD 10335-L Dharodi Minor. It
is further submitted that this water course was restored at site for a period of
one year only. It is further mentioned in the affidavit that respondent No.4,
so far, had not applied for sanction of alignment of water course in dispute
on the basis of compensation and in case respondent No.4 applies under

Section 17 of the Haryana Canal & Drainage Act, 1974, to get the alignment of water course in dispute sanctioned on the basis of compensation, the demand of respondent No.4 would be considered under the provisions of the Canal Act.

SDCO, Dhamtan, Mr.Suresh Kumar is also present in Court today. He has fairly submitted that in case any such application, on the basis of compensation, is filed by respondent No.4, the same would be decided expeditiously, after hearing both the parties.

After hearing counsel for the parties, Sub Divisional Canal Officer and going through the affidavit, the present petition is disposed of with liberty to respondent No.4 to file an application before respondent No.3 within ten days from today and if the same is filed within the stipulated period, then respondent No.3 is directed to decide the same expeditiously preferably within one month from its receipt, after hearing both the sides.

September 13, 2023
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |