

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

(113)

CWP-10293-2023

Date of decision: - 31.05.2023

Paras Ram

....Petitioner

Versus

Superintending Canal Officer and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Kanwal Goyal, Advocate, and
Mr. Shobhit Rapria, Advocate
for the petitioner.

Mr. Ferry Sofat, Additional Advocate General, Punjab
for respondents No.1 to 5.

Mr. Sandeep Khunger, Advocate and
Mr. Saksham Khunger, Advocate
for respondent No.6.

VIKAS BAHL, J. (ORAL)

1. Present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus for directing the respondents to immediately start supply of irrigation water from Outlet 336000-L Sirhind Canal to agricultural land of petitioner.
2. Learned counsel for the petitioner has submitted that apart a perusal of the order dated 15.09.2022 (Annexure P-7) would show that the land of the petitioner i.e., 10.36 acres has been included in the Command Area.
3. Learned counsel appearing on behalf of private respondent

No.6 has submitted that against the said order dated 15.09.2022 (Annexure P-7), an appeal has been filed before the Divisional Canal Officer and the same is pending.

4. Learned counsel for the petitioner has submitted that in the said situation, the issue as to whether the area in question is to be included in the Command Area or not would be agitated by the petitioner before the Appellate Authority. It is submitted that since the petitioner is not getting water in the said 10.36 acres of land, thus, at this stage, he would be satisfied in case the said land be given turn of water from Outlet No.8950/TL Peori Minor.

5. Learned State counsel, on instructions from Mr. Parshotam Dass, Zileadar, has submitted that for the said purpose, the petitioner is required to move an application before the Deputy Collector, Bathinda Canal Division, Bathinda/respondent No.2, as is required in law and respondent No.2 would release the water, in accordance with law, within a period of 15 days from the date any such application is moved by the petitioner. It is further submitted that the said arrangement would be dependent upon the final adjudication in the case between the petitioner and the Lift Pump Committee and till the time the said issue is not finally decided, the said arrangement would continue.

6. Keeping in view the above stated facts and circumstances, the present petition is disposed of with the following directions :-

- (i) The issue as to whether the petitioner is to get supply of irrigation from Outlet 336000-L Sirhind Canal for his land measuring 10.36 acres or not would be decided in the

appeal/revision arising from the order dated 15.09.2022.

- ii) It would be open to the petitioner to move an application before the Deputy Collector, Bathinda Canal Division, Bathinda for the grant of turn of water from Outlet No.8950/TL Peori Minor. The concerned officer would release the water within a period of 15 days from the date the said application is moved.
- iii) The said release would be for the period, till the time the issue with respect to release of water from Outlet 336000-L Sirhind Canal is finally adjudicated.

It is agreed between the parties that in case, the petitioner is unsuccessful in the litigation and is not allowed to take water from Outlet 336000-L Sirhind Canal, then, the petitioner would continue to get water for irrigating his land measuring 10.36 acres from Outlet No.8950/TL Peori Minor.

May 31, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No