

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

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2024:PHHC:164741-DB



LPA-330-2024

Date of Decision: 10.12.2024

Binder Singh and others

.....Appellant(s)

Versus

Harnaib Singh and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. J.S. Brar, Advocate,
and Mr. K.S. Sekhon, Advocate,
for the appellants.

Mr. P.S. Dhaliwal, Advocate,
for respondent No.1.

Ms. Arundhati Kulshrestha, AAG, Punjab.

G.S.SANDHAWALIA, J. (Oral)

1. Challenge in the present letters patent appeal is to the order dated 21.12.2023 passed by the learned Single Judge in CWP-27328-2017 whereby, the learned Single Judge slightly modified the order dated 06.04.2017 passed by the Superintending Canal Officer whereby, the underground pipe line in the land in dispute was to be laid only if there was mutual consent.

2. While accepting the writ petition, it was directed that the writ petitioner was to lay the underground pipe line from point 'C' to 'D' and he would bear the expenses for laying down the same. The distance as such is stated to be only 100 ft. Resultantly, the learned Single Judge also directed the concerned officials that while the pipe line is to be laid, *Haudi* (cemented pit)

Shivani Gupta
2024.12.12 12:11 would be made to ensure that filtration takes place and the mud does not enter

the pipe line and the department would also monitor the same so that inconvenience is not caused to the present appellants.

3. We have also examined the site plan which had been appended alongwith the writ petition and from the record, it is apparent that the present applicants as such filed the application that the water channel had been blocked by the writ petitioners Harnaib Singh etc. by putting mud and in such circumstances, it had been directed on 02.08.2016 by the Divisional Canal Officer that the necessary pipe line from point 'C' to 'D' in land bearing Khasra No. 66//22(8-6) be laid to restore the irrigation to the fields belonging to the present appellants. An effort was also made to sort out the matter by referring it to the Mediation Centre by the co-ordinate Bench but unfortunately the parties as such did not arrive at any logical compromise or understanding *inter se*.

4. The Superintending Canal Officer, on 06.04.2017, while hearing the appeal, only modified it by again putting it back to both the parties as such to arrive at a consensus and then only the underground pipe line was to be laid. The learned Single Judge also, with the assistance of the XEN, Barnala, who was present in Court and thus, had granted the necessary relief to the writ petitioners. It is apparent from the record that there is some construction on the site as such and it is in such circumstances, directions have been issued to make the water channel underground.

5. We are, thus, of the considered opinion that no such prejudice would be caused to the present appellants if the said exercise is resorted to which has been recommended by the Divisional Canal Officer vide order dated 02.08.2016 at the first instance. The matter would also help to resolve the

mud in the water channel and it is also for the purposes of better irrigation of the land of the present appellants.

6. Resultantly, we do not find any plausible reason to interfere in the discretion exercised by the learned Single Judge, in the peculiar facts and circumstances of the case.

7. Accordingly, the present letters patent appeal stands dismissed.

(G.S. SANDHAWALIA)
JUDGE

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(MEENAKSHI I. MEHTA)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No