

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

**CWP-2454-2024  
Decided on: 06.02.2024**

Subhash and others

..... Petitioners

Versus

Divisional Canal Officer and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr.S.P.S.Tinna, Advocate and  
Mr. Yogesh Kumar Aneja, Advocate, for the petitioners.

**Rajesh Bhardwaj, J. (Oral)**

Prayer in the present petition is for issuance of direction to respondent No.2 to decide the application dated 10.01.2024 (Annexure P-3) dated 10.01.2024 filed by the petitioners seeking change of watercourse in outlet No.5940-L Kuleri minor which is pending adjudication before him and till date the same has not been heard even once and the authorities below are trying to illegally construct a *pucca* watercourse from the land of the petitioner. Further prayer has been made that till the time the aforesaid application is decided, the official respondents be restrained from constructing the *pucca* watercourse in outlet No.5940-L Kuleri minor.

Learned counsel for the petitioners has *inter alia* contended that the petitioners have filed an application dated 10.01.2024 for changing the alignment of the watercourse to respondent No.1 vide diary No.103 dated 10.01.2024, however, no action has been taken on the same till date.

Notice of motion to the official respondents only.

Ms. Upasana Dhawan, Assistant Advocate General, Haryana, accepts notice on behalf of the respondent-State.

Mr.Deepanshu, SDO, Irrigation, Hisar is present in Court. The

Court has interacted with the officer, who has apprised that as the private respondent was suffering acute difficulty in the irrigation and the work for remoulding of the watercourse has already been commenced. He submits that the petitioners are tried to obstruct the ongoing work and hence, FIR has already been registered against them on 09.01.2024. It is submitted by him that work of remoulding of the watercourse was commenced after the publication of the scheme in accordance with law and as there was no objection from anyone, the work was commenced. He submits that after the registration of the FIR, now the petitioners have clandestinely filed this present petition only to obstruct the ongoing work. He has further submitted that no application as submitted by counsel for the petitioners has been received in the office concerned.

After hearing learned counsel for the parties and perusing the record, it is apparent that the work has already been commenced for remoulding of the watercourse. However, the petitioners have emphatically argued that their application has not been decided, which has been refuted by the officer present in Court. Thus, in the facts and circumstances of the case, the present petition is disposed of with liberty to the petitioners to file afresh application before the competent authority within a period of one week from today. If any such application is filed by the petitioners within the stipulated period, then the competent authority is directed to hear the petitioners and decide the same in accordance with law expeditiously.

06.02.2024  
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Whether Speaking/Reasoned  
Whether Reportable

(RAJESH BHARDWAJ)  
JUDGE

: Yes/No  
: Yes/No