

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

2024.PHHC.083374-DB



(103)

LPA-824-2024(O&M)  
Decided on : 05.07.2024

Balraj Singh and others

.....Appellant(s)

Versus

The Superintending Canal Officer, Ferozepur Canal Circle, Ferozepur and  
others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,  
ACTING CHIEF JUSTICE  
HON'BLE MR.JUSTICE VIKAS BAHL**

Present: Mr. Harpal Singh, Advocate for the appellant (s).

Mr. Salil Sabhlok, Sr. DAG, Punjab  
for respondent Nos.1 & 2.

Mr. SPS Tinna, Advocate and  
Mr. R.S. Randhawa, Advocate for respondent Nos.4 to 9.

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**G.S. Sandhawalia, Acting Chief Justice (Oral)**

The present letters patent appeal is directed against the dismissal of the CWP No.2626 of 2019 whereby challenge raised to the order dated 17.07.2018(Annexure P-1) passed by the Divisional Canal Officer and duly upheld on 15.11.2018(Annexure P-2) by the Superintending Canal Officer has been rejected by the learned Single Judge.

2. The reasoning which weighed with the learned Single Judge to dismiss the writ petition was given after summoning the Divisional Canal Officer who had come present and had filed his affidavit. The learned Single Judge noticed that sanction of new outlet for providing better and proper

irrigation was recommended and objections had been rejected by respondent-authorities as per the scheme published under the Northern Indian Canal and Drainage Act and same has been sanctioned as per provisions of Section 30(2) of the said Act. It was also noticed by the learned Single Judge that application had been accepted by the Divisional Canal Officer with a specific observation that arrangement of watercourse or underground pipe was to be done by the applicants/private respondents herein and they were bound to comply with all the terms and conditions. The argument that the sanctioning of the new outlet No.33448-L of Bhagsar Minor was only at a short distance from the first outlet No.33450-L was rejected while noticing that the land of the private respondents is situated at a long distance from earlier outlet and they were not getting proper irrigation and by sanctioning a new watercourse (sic. outlet) the situation would be rectified and their land would be properly irrigated and, therefore, interference in the concurrent decisions was not done.

3. We have examined the site plan which has been appended as Annexure P-3 and similarly a more detailed site plan has been shown to us by the counsel for the private respondents. The index portion of the detailed site plan now shown goes on to show that for irrigating the land of the private respondents the distance as such was 8844 feet, whereas by now sanctioning of the new outlet the distance was got reduced to 6138 feet. Further perusal of the site plan goes on to show that only after noticing that the distance from the new outlet is less and, therefore, the command area of the private respondents would be adequately serviced, the benefit has been granted. The same was apparently done after the concerned Divisional Canal Officer had visited the spot on 24.06.2018 and had taken into consideration the affidavit/undertaking

submitted by the private respondents/applicants regarding the arrangement of watercourse or underground pipes and which was to be done by the private respondents themselves. The Government expenses of construction/reconstruction/demolition with regard to sanction of new outlet were to be paid by them and they were bound to comply with all terms and condition of the Canal Department. The said aspect was duly examined by the Appellate Authority respondent No.1, who also noticed the inspection done by the Divisional Canal Officer. The Appellate Authority has also recorded the fact that the land of the private respondents was more commandable from the proposed outlet No.33448/L than from the existing outlet No.33450/L and it would get better irrigation. Thus, the official respondents have kept the basic purpose of the act into consideration while passing the said orders and, therefore, we are of the considered opinion that the order of the learned Single Judge does not suffer from any infirmity which is sought to be pointed out by counsel for the appellant.

4. Resultantly, there being no merit in the present letters patent appeal, the same is dismissed in limine.

(G.S. SANDHAWALIA)  
ACTING CHIEF JUSTICE

(VIKAS BAHL)  
JUDGE

05.07.2024  
Naveen

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