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

**CWP-27839-2024 (O&M)
Date of Decision: 07.11.2024**

Balkaran Singh and others

....Petitioners

Versus

Superintending Canal Officer, Ferozepur and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Peeush Gagneja, Advocate
for the petitioners.

HARSH BUNGER, J. (Oral)

The present petition has been filed under Article 226 of the Constitution of India *inter alia* seeking a writ in the nature of Certiorari for quashing the impugned order dated 15.07.2024 (Annexure P-1).

2. Vide impugned order dated 15.07.2024 (Annexure P-1), the learned Superintending Canal Officer, Ferozepur Canal Circle, Ferozepur has set aside the order dated 23.02.2024 (Annexure P-2) and further permitted transfer of 4.16 acres of land of respondent No.3- Baljeet Singh from outlet burji 6650-T.L. Ruherianwali Minor Chak, by observing as under:

***“Order dated:- 15.07.2024 :-** On dated 15.07.2024, at Ferozepur, case was reconsidered. The arguments raised by appellants and their counsel and respondents and their counsels were considered. The record was perused. After this, Court has found that the order passed by Divisional Canal Officer Abohar*



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is not as per the position existing at the spot and also not based on facts. As per the record available on file, the Sub-Divisional Officer Muktsar had recommended for transfer of land. As per enclosed Command statement, from the proposed outlet, better command has been shown. As shown in the site plan, some land of the applicant is already falling in proposed outlet burji 6650-T.L. Therefore, with the inclusion in the proposed outlet, one compact block is made out, with this the irrigation would be better. In this regard, the head office through letter number 1651-85/3 Canal dated 28.02.2024, in the instructions it is mentioned that, on being compact block, the land can be transferred. With the order dated 27.03.2018 passed by Divisional Canal Officer Abohar, approximately 50 acre land from the proposed outlet has become uncommand, due to which, with the inclusion of 04.16 acre land, no effect would be caused on the irrigation of respondent shareholders. But the Divisional Canal Officer Abohar has not considered all these facts and the demand of appellant was rejected without any solid reason. This court is not agreed with this. Therefore after considering the case, in view of the facts brought before this court, keeping in view the facts, under the Northern India Canal and Drainage Act 8 of 1873 Punjab Amendment Act 23- 1965 section 30B (3), appeal of applicant is being accepted and the order dated 23.02.2024 passed by the Divisional Canal Officer Abohar, Canal Division Water Sources Department Punjab Abohar is being set aside / rejected, meaning thereby from outlet burji 6650- T.L. Ruherianwali Minor, 04.16 acre land is taken and it is approved to be included in outlet burji 6650- T.L. Ruherianwali Minor Chak. This order was kept reserved on dated 02.07.2024 and the same was pronounced today on dated 15.07.2024. The intimation of this case be sent to the parties under the rules.”

3. A perusal of the above extracted order would show that some area of respondent No.3- Baljeet Singh was already falling in the proposed

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outlet burji 6650-T.L. and with the inclusion of 4.16 acres more land of respondent No.3- Baljeet Singh, one compact block has been made out which has been stated to be for better irrigation. It is also borne out that even the Sub Divisional Canal Officer, Muktsar has recommended the transfer of the said area.

4. Learned Superintending Canal Officer, has clearly recorded that vide an earlier order dated 27.03.2018, passed by the learned Divisional Canal Officer, Abohar, approximately 50 acres land from the proposed outlet had become uncommanded and if 4.16 acres land of respondent No.3- Baljeet Singh is added to the proposed outlet; no effect would be caused on the irrigation of the other shareholders of the outlet.

5. Learned counsel for the petitioners has failed to dislodge the aforesaid findings given by the learned Superintending Canal Officer.

6. Keeping in view the above, I do not find any merit in the instant Writ Petition, therefore the same is accordingly dismissed.

7. All pending application(s), if any, shall stand closed.

07.11.2024*Himani***(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No