



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

(1)

**LPA No.2511 of 2024 (O&M)
Date of Decision: 25.10.2024**

Balveer Singh and others

.....Appellants.

Versus

Superintendent, Canal Officer, Ludhiana Canal Circle and others

.....Respondents.

(2)

LPA No.2532 of 2024 (O&M)

Sukhjot Singh

.....Appellant.

Versus

Superintendent, Canal Officer, Ludhiana Canal Circle and others

.....Respondents.

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

Present:- Mr. Gurbachan Singh Bhatia, Advocate
 for the appellants in both the cases.

G.S. SANDHAWALIA, J.(Oral)

The present Letters Patent Appeals are directed against the judgment dated 12.08.2024 passed by learned Single Judge, whereby the writ petition filed by the appellants was dismissed.

2. Learned counsel for the appellants has taken us to the Level Sheet Annexure A-1 appended along-with the application under Order 41 Rule 27 CPC to depict that the level of their land is higher from the new



outlet 7040/R which was initially opted for from the old outlet 3912/L. It is submitted that the water course at 3912/L is at a higher level and the land is situated at lower level from where the water flow will come naturally to the fields of the present appellants and this aspect could not be highlighted before learned Single Judge.

3. Keeping in view the fact that the writ petition was dismissed in *limine* and the document Annexure A-1 was not before the learned Single Judge, we are of the considered opinion that this issue can be raised before the learned Single Judge whose decision is based solely on the ground that the appellants themselves opted for the change of the outlet and they cannot be permitted to blow hot and cold.

4. Since the whole purpose of the appellants is to ensure better irrigation to their fields and the additional evidence goes on to show that the choice of shifting the outlet which has been adopted was not proper, it is contended that the permission be granted to file the review. Reference is also made to the Report dated 17.08.2022 of the Zileadar, Moga (Annexure P-3) whereby recommendation has been made that the area be included in Mogha Burji 3912/L Dharamkot minor is in the interest of better irrigation.

5. In view of the above observations, the present appeals are allowed to be dismissed as withdrawn with liberty to the appellants to approach the learned Single Judge.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

October 25, 2024
Yag Dutt

Whether speaking/reasoned: Yes
Whether Reportable: No