



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

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CWP-1734-2025

Date of Decision: 02.12.2025

LABH SINGH AND OTHERS**.....Petitioners****Vs.****STATE OF PUNJAB, THROUGH PRINCIPAL SECRETARY WATER
RESOURCES AND OTHERS****.....Respondents****CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr. Vijay Sharma, Advocate for the petitioners.
Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab.

HARSH BUNGER, J. (ORAL)

The present petition has been filed under Article 226 of the Constitution of India, seeking issuance of a writ in the nature of certorari for setting aside the order dated 19.02.2024 (Annexure P-3) passed by the learned Divisional Canal Officer, Mansa and order dated 17.07.2024 (Annexure P-5) passed by the learned Superintending Canal Officer, Patiala (Punjab).

2. The case of the petitioner is that some of the shareholder of outlet No.10535/TF minor No.5 Udat Branch and outlet No.71152/L Udat Branch submitted an application before the Canal authorities for shifting 794/695 GA/CCA acre land of Village Bhame Khurd and 43/43 GA/CCA acre land of Village Bhame Kalan from outlet No.10535/TF and 59/59 GA/CCA acre land of Bhame Kalan from outlet No.71152/L to new outlet No.71102/L Udat Branch. The said prayer of the shareholder was accepted by the learned



(Annexure P-1) and 896/790 GA/CCA area from outlet No.10535/TF and outlet No.71152/L were shifted to new outlet No.71102/L Udat Branch. It appears that subsequently the State of Punjab through Principal Secretary Water Resources Department, Punjab issued office memo dated 11.07.2022 (Annexure P-8) to all the Executive Engineers of Canal Department, the relevant extract of which reads as under:-

“Keeping in view the above, all XENs (canals) are strictly advised that no change in the shifting of the area from the one canal to other canal system be made. In case there is justified need for such a change, the proposals shall be prepared by the respective XEN (Canal) and send directly to the Chief Engineer Canals through the e file system. Chief Engineer will thereafter examine the issue himself and if need be, he will hold a video conference with the respective field XENs and decide the matter within three days (working days). It is further clarified that in case it is found at a later stage that the area has been shifted from one canal system to the other without any valid justification, responsibility shall be fixed by the State Government.”

2.1. Thereafter, it appears that the present petitioner submitted another application for shifting of some of his area to the new outlet No.71102/L Udat Branch from outlet No.10535/TF on the plea that the area was not getting proper irrigation from the said outlet and the same was far away from his land. On receipt of the said application by the Canal authorities, the matter was inquired into by the field staff and the concerned Zildar recommended transfer of the area and the matter was placed before the learned Divisional Canal Officer.

2.2. Learned Divisional Canal Officer, keeping in view the above extracted memo dated 11.07.2022 (Annexure P-8); referred the matter to the



the importance of Minor No.5 Udat Branch will be reduced. Subsequently, learned Divisional Canal Officer vide order dated 19.02.2024 (Annexure P-3) rejected the application submitted by the petitioner for shifting of his area to the new outlet.

2.3. Feeling aggrieved, the petitioner preferred an appeal before the learned Superintending Canal Officer; however the same was also rejected vide order dated 17.07.2024 (Annexure P-5).

2.4. In view of the above circumstances, the present petition has been filed by the petitioners before this Court for seeking relief, as noticed above.

3. During the course of hearing, learned State counsel, on instructions from DCO Gursagar Singh Chahal, Mansa Ground & Canal Water, Mansa; has informed that the instructions issued by the State of Punjab through Principal Secretary, Water Resources Department, Punjab, vide memo dated 11.07.2024 (Annexure P-8), has already been withdrawn vide letter dated 25.04.2025.

4. Learned State counsel has handed over the photocopy of letter dated 25.04.2025 issued by Department of Water Resources, Government of Punjab, in the Court today, which is taken on record subject to just all exceptions. Learned State counsel submits that in view of the fact that memo dated 11.07.2024 (Annexure P-8) stands withdrawn; hence, the matter is now required to be considered by the learned Divisional Canal Officer.

5. Keeping in view of the aforementioned facts and circumstances, impugned orders dated 19.02.2024 (Annexure P-3) and 17.07.2024 (Annexure P-5) are set aside and the matter is remitted back to the Divisional Canal Officer to consider the matter afresh, after affording due opportunity of

hearing to all the concerned parties by passing speaking order, as per law.



- 6. Parties are directed to appear before the Divisional Canal Officer on 18.12.2025.
- 7. The present writ petition is disposed of accordingly.
- 8. All pending application(s), if any, shall also stand closed.

02.12.2025
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(HARSH BUNGER)
JUDGE

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