

147 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11697-2025 (O/M)

Date of decision : 13.05.2025

Daljeet Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Rahul Vijay Singh Chugh, Advocate
for the petitioners.

Mr. Nirmaljit Singh Diwana, Senior DAG Punjab.

-. -

-. -

HARSH BUNGER, J. (ORAL)

1. Prayer in the instant civil writ petition filed under Articles 226/227 of Constitution of India, inter alia, is for setting aside the order dated 18.02.2025 (Annexure P-4), passed by Chief Engineer (Canals), Water Resources Department, Punjab (in short 'Chief Engineer'), whereby the additional allowance (turn of water) of 27 Kanal – 8 Marla area of Guava Orchard(s), situated in the area of village Jhanda Kalan, District Mansa from Moga Outlet No. 27184/R New Tudal Branch of the petitioners, has been rejected.

1.1 A further prayer has been made for quashing the order dated 25.02.2025 (Annexure P-5), issued by Divisional Canal Officer, Mansa Canal and Ground Water Division, Mansa (in short 'DCO'), directing Deputy Collector, Mansa Canal and Ground Water Division,

Mansa (in short 'Deputy Collector') to take further necessary action on the basis of order dated 18.02.2025 (Annexure P-4).

2. Briefly, petitioners claim that they are maintaining Guava Orchard(s) in joint land measuring around 10 acres and their turn of water of the Guava Orchard(s) has been fixed on Moga Outlet No. 27184/R New Tudal Branch. It is stated that in the month of June 2023, due to change of weather and the Guava trees being old, the Guava Orchard(s) of the petitioners got destroyed and subsequently, the Deputy Collector initiated proceedings for amending the warabandi (turn of water), whereupon an order dated 08.09.2023 (Annexure P-1) was passed, granting time to the petitioners till 30.11.2023 for planting new saplings.

2.1 Petitioners claim that they planted the new orchard(s) in the month of December 2023, however, subsequently the impugned order dated 18.02.2025 (Annexure P-4) has been passed by the Chief Engineer, whereby the additional allowance of eight orchards including the orchard(s) of the petitioners, was rejected.

3. In the aforementioned circumstances, the petitioners have filed the instant civil writ petition before this Court seeking relief(s), as noticed hereinabove.

4. Heard.

5. The only argument raised by learned counsel for petitioners is that vide order dated 08.09.2023 (Annexure P-1), petitioners had been granted time till 30.11.2023 for planting new saplings and that they (petitioners) had planted the orchard(s) in the month of December 2023, which was substantiated from the photographs (Annexure P-6), however,

respondent No. 2, without affording any opportunity of hearing to the petitioners, has rejected the additional allowance to the orchard(s) of the petitioners.

6. I have considered the aforesaid submissions raised on behalf of the petitioners, however, I find no merit in the same. As per petitioners' own admission, vide order dated 08.09.2023 (Annexure P-1), petitioners had been granted time only till 30.11.2023 for establishing orchard(s), however, petitioners had established the orchard(s) in December 2023. It is thus clear that the petitioners had failed to establish the orchard(s) upto the time granted to them, vide order dated 08.09.2023 (Annexure P-1) i.e. upto 30.11.2023.

7. Be that as it may, petitioners claim that they had established the orchard(s) in the month of December 2023 and they sought to substantiate the said plea on the basis of photographs (Annexure P-6). However, in my considered view, photographs (Annexure P-6) alone cannot be made basis to conclude that the petitioners had established the orchard(s) in the month of December 2023. Petitioners have not shown khasra girdawari in respect of land, on which so-called orchard(s) have been established by them and in the absence of such revenue record, no inference can be drawn that the petitioners have established the orchard(s) in the month of December 2023, so as to consider the claim of the petitioners for grant of additional turn of water.

8. Keeping in view the above, I find no merit in the instant civil writ petition and the same is accordingly dismissed.

9. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

13.05.2025
sjks

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