

CWP-18334-2025 (O&M)

-1-

125

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

**CWP-18334-2025 (O&M)
Date of Decision: 06.08.2025**

Rambir

....Petitioner

Versus

Rammehar and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Mayank Gupta, Advocate and
Mr. Didar Singh, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

HARSH BUNGER, J. (Oral)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India *inter alia* seeking issuance of a writ in the nature of Certiorari for setting aside order dated 02.05.2025 (Annexure P-4) passed by the Chief Canal Officer, Haryana.

2. Briefly, respondent No.1- Rammehar filed an application before the Canal Authorities seeking watercourse from Mogha No.3620-R Padana, Sub Minor on the plea that he is a shareholder in the aforesaid Mogha and that the said Mogha falls in Killa No.14 of Rectangle No.92, whereas his area was coming in Killa No.6 and 15 and that there was no watercourse for irrigation to his area from the said Mogha, on account of which he is suffering loss of crops, accordingly he prayed that watercourse be provided on compensation basis to his area.



2.1 The aforesaid prayer of respondent No.1 was considered by the Divisional Canal Officer, Jind, who vide order dated 24.02.2023 (Annexure P-2), rejected the claim of respondent No.1 on the ground that similar prayer was earlier rejected by the Chief Canal Officer in the year 2014.

2.2 Being dis-satisfied, respondent No.1 challenged order dated 24.02.2023 (Annexure P-2) by filing a revision petition before the Superintending Canal Officer, however the same was also rejected on the similar ground vide order dated 13.06.2023 (Annexure P-3).

2.3 Still aggrieved, respondent No.1 preferred a further appeal under Section 20(2) of the Haryana Canal and Drainage Act, 1974 (in short '1974 Act') before the Chief Canal Officer, Haryana, which was allowed vide impugned order dated 02.05.2025 (Annexure P-4).

3. In the aforementioned circumstances, the petitioner has filed the instant writ petition before this Court for seeking the relief(s) as noticed hereinabove.

4. Heard.

5. In the present case, prayer of respondent No.1 for providing watercourse from Mogha 3620-R, Padana, Sub Minor was rejected by the learned Divisional Canal Officer as well as by the Superintending Canal Officer primarily on the ground that a similar prayer was earlier rejected in the year 2014. However, on an appeal being filed by respondent No.1 before the Chief Canal Officer, the orders passed by Divisional Canal Officer as well as the Superintending Canal Officer have been set aside, with a direction that watercourse be sanctioned on the basis of compensation in the interest of development of canal irrigation. The relevant extract of the findings returned by the Chief Canal Officer reads as under:-

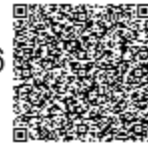
"I have gone through the proceedings initiated in the



present case by the courts below. In fact the circumstances of year 2014 are totally different with the present circumstances as the another watercourse through which the appellant earlier used to irrigate his area was the watercourse of other chak of abandoned Digana Minor and this watercourse does not touch the running watercourse in the chak of outlet at RD 3620-R Padana Sub Minor and therefore the irrigation of the area of the appellant is not possible through the watercourse reserved in consolidation. The demand of the appellant to sanction the alignment of watercourse AB on the basis of compensation on the northern side of Rectangle/Killa No.92//14 alongside the field path is considered as genuine. Hence, the alignment of watercourse AB is hereby sanctioned on the basis of compensation in the interest of development of canal irrigation. The appeal of the appellant is hereby allowed and the decision dated 13.06.2023 given by the Superintending Canal Officer, YWS Circle, Jind is hereby set aside. The decision be conveyed to all the concerned accordingly.”

5.1 A perusal of the aforesaid reasoning rendered by the Chief Canal Officer would clearly indicate that over a period of time, the circumstances have changed since the year 2014 inasmuch as that the other watercourse through which respondent No.1 was earlier getting irrigation to his area, the same was a watercourse of other *chak* of an abandoned Digana Minor and the said watercourse did not touch the running watercourse in the *chak* of outlet RD 3620-R Padana, Sub Minor, which made the irrigation of the area of respondent No.1 not possible, accordingly, the Chief Canal Officer in the interest of development of canal irrigation has allowed the appeal of respondent No.1 and permitted the sanctioning of watercourse on compensation basis.

6. At this stage, another submission has been raised by learned counsel for the petitioner that the area to which respondent No.1 had sought

**CWP-18334-2025 (O&M)****-4-**

watercourse, is not owned by him.

7. I have considered the aforesaid plea raised on behalf of the petitioner, however, I do not find any merit in the same.

8. The petitioner has placed on record a copy of the *jamabandi* for the year 2019-20 as Annexure P-5, which clearly shows the area owned by the family of respondent No.1. Even otherwise, respondent No.1 had sought watercourse not on the plea that he was a co-sharer in the land to which he was seeking watercourse, rather his claim was based on the plea that he was a shareholder in the outlet i.e RD 3620-R, Padana, Sub Minor.

9. Learned counsel for the petitioner has failed to dislodge the aforesaid fact.

10. Considering the totality of circumstances, I am of the considered view that once the Chief Canal Officer after considering the matter, has allowed the watercourse in the interest of development of canal irrigation, no fault can be found in the same. Resultantly, the instant writ petition fails and the same is accordingly, dismissed.

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

06.08.2025*Himani***(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No