



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

CWP-5365-2026

Date of Decision: 10.03.2026

Jaspal Singh

..... Petitioner

Versus

The Superintending Canal Officer, Sirhind Canal Circle,
Ludhiana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Rajesh Girdhar, Advocate
for the petitioner.

Mr. Harpreet Singh, A.A.G., Punjab.

HARSH BUNGER J. (ORAL)

Prayer in the present writ petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of *Certiorari* for setting aside the order dated 29.09.2025 (Annexure P-1) passed by the learned Divisional Canal Officer, Faridkot; and order dated 09.12.2025 (Annexure P-3) passed by the learned Superintending Canal Officer, Ludhiana.

2. Briefly, respondents No.4 to 6 herein submitted an application before the canal authorities for including their area measuring 4.54 acre in the chak of outlet RD 102200/L Faridkot Rajbaha, on the plea that their area is not included in any outlet and not getting any canal

irrigation. It was stated that since their land fell near the chak of outlet RD 102200/L, the same can be included therein.

2.1 Upon receipt of the aforesaid application from respondents No.4 to 6, the matter was got investigated from the concerned Zileadar, who recommended the inclusion of the area of respondents No.4 to 6 in the outlet RD 102200/L. Thereafter, notice(s) were issued to the concerned shareholders. It appears that respondents No.7 to 11 being the shareholders of the outlet RD 102200/L, gave their consent for inclusion of the area of respondents No.4 to 6 in the said outlet.

2.2 Accordingly, vide order dated 29.09.2025 (Annexure P-1), learned Divisional Canal Officer accepted the prayer of respondents No.4 to 6 and directed inclusion of their area measuring 36 kanal 7 marla in outlet RD 102200/L Faridkot Rajbaha by observing as under:-

“ORDER:- The case was put up for arguments. The case is called. The applicant and consenting parties came present in Court and they were identified by the area Patwari. The applicants made request that they are shareholders of Outlet RD 102200/L Faridkot Rajbaha and are residents of Village Chak Motle Wala. Their area has not been included in any Chak of Outlet. Their area is not getting canal irrigation as the same is out of Chak and its total area is 36 Kanals 7 Marlas (4.54 Acre) comprised in Khasra nos. 18//21 (03-04), 46//6/2 (03-15), 47//1 (08-00), 2 (05-14), 12 (07-14), 19 (08-00). This area is very near to Outlet RD 102200/L Faridkot Rajbaha. This area may kindly be included above said Outlet Rd so that our area be get proper irrigation. We shall also bear all the expenditure of demolition and reconstruction of the Outlet. We shall also comply with all the conditions of the Canal department issued from time to time. This area falls in village Marar Kalan.

The consenting party from Sr. Nos. 4 to 8 made a joint statement that they are shareholders of Outlet RD 102200/L Faridkot Rajbaha and they are resident of Village Chak Motle Wala. They have got no objection in case the area out of Chak measuring 4.54 acre of Sh. Gurnek Singh son of Gurbachan Singh etc. is included in Outlet RD 102200/L Faridkot Rajbaha. We agree with the same.

The persons came present were heard in details and after considering the matter at length, the case was perused. The reports of Ziledar Faridkot and Sub Divisional Officer, Dhapai Canal Sub Division, Dhapai were considered. Keeping in view the demand of the applicants, the area measuring 36 Kanals 07 Marlas (4.54 Acre) out of Chak area comprised in Khasra nos. 18//21 (03-04), 46//6/2 (03-15), 47//1 (08-00), 2 (05-14), 12 (07-14), 19 (08-00) is hereby included in the above said Outlet. This decision is being made as per Clause 13 (1), 14 (2) of the Punjab Canal and Drainage Act 2023. The expenditures for arrangements of water courses and adjustments of Outlets shall be borne by the applicants. They shall also avoid by all the Govt. conditions.

After command of area, the situation of area of Outlets shall be as under:-

Sr. No.	Outlet Rajbaha	Village	At present		Proposal	
			J.E.	C.C.A.	J.E.	C.C.A
1	Outlet RD 102200/L Faridkot Rajbaha	Chak Motle Wala	162.23	162.23	162.23	162.23
		Marar Kalan	51.00	51.00	51.00	51.00
		Out of Chak area	00.00	00.00	04.54	04.54
		Total	213.23	213.23	217.77	217.77

Apart from the above, the areas be also tallied with a last approved A-Form at the time of preparing A-Form. The notice has been served as per rules. ”

2.3 The petitioner challenged the aforesaid order dated 29.09.2025 (Annexure P-1) by filing an appeal before the learned Superintending Canal Officer; however, the same was disposed of vide order dated 09.12.2025 (Annexure P-3), by modifying the order dated 29.09.2025 (Annexure P-1) only to the extent that instead of 4.54 acre area, the area measuring 4.24 acre be included in the outlet RD 102200/L, as area measuring 2 kanal 8 marla out of Killa No.47//19, was already there in the proposed outlet.

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

4. Learned counsel for the petitioner has primarily raised only one submission that before passing the order dated 29.09.2025 (Annexure P-1), the learned Divisional Canal Officer has not afforded any opportunity of hearing to the petitioner.

5. I have considered the aforesaid submission raised on behalf of learned counsel for the petitioner.

6. Concededly, when the matter was taken up by learned Divisional Canal Officer on the prayer of respondents No.4 to 6, notices were issued to the shareholders of outlet RD 102200/L Faridkot Rajbaha, whereupon respondents No.7 to 11 herein had appeared and gave their no objection for inclusion of the area of respondents No.4 to 6 in the outlet.

7. Learned counsel for the petitioner has failed to show from any material as to what prejudice has been caused to the petitioner with the inclusion of the area of respondents No.4 to 6 in the new outlet. That apart, the authorities below have allowed the transfer of area to the new

outlet in the interest of better irrigation and that too after obtaining no

objection from the shareholders of outlet RD 102200/L.

8. In my considered view, if the majority of the shareholders of the outlet have recorded their no objection for the inclusion of the area of respondents 4 to 6 in the new outlet, merely on the ground that the petitioner does not agree with the transfer of the area of respondents No.4 to 6 to the new outlet, cannot be made a basis to deny relief to the respondents No.4 to 6, so as to seek canal irrigation to their area.

9. In ***Sham Sunder v. Superintending Canal Officer, Ferozepur, 2001(4) RCR (Civil) 35***; a Division Bench of this Court observed as under:-

“5. Even otherwise, we find no ground to interfere. The Canal Authorities are the best judges for the situation at the spot. If on a consideration of the matter it has been found that the fields of the petitioner can be properly irrigated from the existing outlet, this court cannot interfere in proceedings under Article 226 of the Constitution unless it is shown that the order is patently illegal and arbitrary. Nothing of the sort has been pointed out...”

10. In ***Mohinder Singh v. State of Punjab, 2012(67) RCR (Civil) 760***; a Division Bench of this Court observed as under:-

“...We are of the opinion that the matter of transfer of an area from one outlet to another by the canal authorities should be seldom interfered with in the writ jurisdiction, particularly when the canal authorities had taken the decision after hearing the interested parties and in the interest of better irrigation, and also considering that while making such transfer, the maximum land will be properly irrigated...”

11. Considering the totality of circumstances of the case, I see no compelling reason, which may warrant interference by this Court in the

present proceedings. Resultantly, the instant writ petition fails and the same is dismissed accordingly.

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

10.03.2026
Pd

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No