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

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CWP-6783-2026 (O&amp;M)

Date of decision: 06.04.2026

**Andeep**

...Petitioner

Vs.

**State of Haryana and others**

....Respondents

**CORAM : HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr. Lokesh Godara, Advocate  
for the petitioner.

Mr. Pankaj Mulwani, Sr. DAG, Haryana.

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**HARSH BUNGER J. (Oral)**

1           Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari, for setting aside order dated 26.12.2022 (Annexure P-3) passed by learned Divisional Canal Officer; order dated 10.03.2023 (Annexure P-4) passed by learned Superintending Canal Officer, Hisar and order dated 22.01.2026 (Annexure P-5) passed by learned Chief Canal Officer, Haryana.

2.           Briefly, respondent No.6 – Mahender and others filed an application before the Canal Authorities under Section 18 of the Haryana Canal and Drainage Act, 1974 (in short “1974 Act”), seeking conversion of 13.52 acres area from UCA (Un-Culturable Area) to CCA (Culturable Commanded Area).

3.           Upon receipt of the aforesaid application by the Canal Authorities, the matter was got inquired into, from the concerned Zildar, who after carrying out investigation and site inspection, recommended for

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conversion of area from UCA to CCA in the chak of outlet RD-30000/R Daha Sub Minor and submitted a scheme under Section 17 of the 1974 Act.

4. It appears that upon receipt of the aforesaid scheme, the same was got published under Section 18(1) read with Rule 7 of the Haryana Canal and Drainage Rules, 1976 for inviting objections/suggestions (if any), and even notices were issued to the concerned parties.

5. The learned Divisional Canal Officer, upon consideration of the matter, passed an order dated 26.12.2022 (Annexure P-3) and partly allowed the demand of the private respondents and permitted 8.62 acres area (69K-0M) to be converted from UCA to CCA in the interest of enhancement of irrigation on trial basis for four crops, subject to confirmation by the learned Superintending Canal Officer; the relevant extract of the same reads as under:-

*“I have examined the record including Khaka Plan, spot level command statement and heard the present at length. As per command statement, it is observed that the FSL at the head of water course is 685.14 feet where as the NSL of area in question is in the range of 685.45 to 704.57 feet. No doubt the area in question cannot receive irrigation by flow, but there are many mechanical devices/instruments are available for carrying out irrigation in practice. After perusal of Khaka plan, it is noticed that the water course has been lined in the chak and lined water course passes adjacent to the area in question as shown in khaka plan. As per irrigation statement, it is noticed that area comprising in field No.237//6,7 & 238//13 had been getting irrigation in respective last six crop. I have inspected the site on 18.12.2022 and notice that the area of field*

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No.210//18,19,21 to 23 was not leveled and cannot receive irrigation at this stage.

*Keeping in view of above facts, the demand of applicants is considered partly legitimate. Hence, 8.62 acres area comprising in field No. 210//20, 24 237//3 to 8, 238//13 Total 69 Kanal 0 Marla area conversion from UCA to CCA is hereby approved in the interest of enhancement in irrigation on trial basis for four crops subject to confirmation by SCO BWS Circle-1, Hisar. The water course/Warabandi will be arranged/implemented by the applicant at their own level. The cost of adjustment of outlet as well as remodeling of lined water course if required will be borne by the beneficiaries. Zilledar concerned is directed to report regarding irrigation in due course of time.”*

6. Feeling aggrieved against the aforesaid order dated 26.12.2022 (Annexure P-3), the petitioner preferred an appeal before the learned Superintending Canal Officer, which was dismissed vide order dated 10.03.2023 (Annexure P-4) by holding as under:-

*“...The contention of the counsel for the appellants, to the effect that publication of the scheme has not been done as per mandatory provisions, is not tenable & based on the facts on file. Perusal of the revenue missal shows that in addition to the notices draft as well as approved schemes including list of areas & copies of sketch plans have also been transmitted/made available by the Canal Patwari to the Lumberdars & Chowkidars of both the villages for publication among the shareholders. Acknowledgements in token of publication in both the villages are also available on file at C.P's 35, 36, 44 & 45. Thus it is evident that publication as per provisions under Sections 18(1) & 19(1) of Haryana Canal & Drainage Act 29 of*

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*1974 in consonance with Rules 7 & 8 of the Haryana Canal & Drainage Act & Rules 1976 have been done. Even compliance of the remand directions issued under order dated 14.07.2022 have also been complied with properly by the trial Court.*

*Prima facie perusal of the the khaka plan shows that a lined watercourse of outlet RD 30000-R Daha Sub Minor is passing along the area in three killa length. Latest command statement also says that the area under conversion can be easily irrigated with normal lift device. The authority, as presented by the counsel for the appellants as reported in 1974 PLJ 162, 1974 RLR 358 is not applicable in this case.*

*In view of the aforementioned facts, it is evident that the trial Court has rightly decided the case through well reasoned order. Resultantly, the appeal, having no solid & concrete ground is hereby rejected. The decision dated 26.12.2022 passed by the Divisional Canal Officer, Hisar Water Services Division Hisar is upheld.”*

7. Still aggrieved, petitioner preferred a further appeal before the learned Chief Canal Officer, Haryana, which has also been dismissed vide order dated 22.01.2026 (Annexure P-6); the relevant extract of the same reads as under:-

*“I have gone through the proceeding of this appeal case initiated by both the courts below. It has been observed that the lined water course is running at site by touching the area in question. Perusal of the official record reveals that the Full Supply Level at the head of outlet at RD 30000-R Daha Sub Minor is 686.55 feet where as spot levels of the area in question are in the range of 687.14 feet to 705.14 feet as depicted on the khaka plan verified by the Divisional Canal Officer, Hisar W/S Division, Hisar. No doubt the area in question cannot be*

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*irrigated at site by flow. But there are many mechanical devices are available with the farmers to lift the canal water to apply in their area. Moreover, the area in question is being cultivated at site and this fact also has been admitted by the Zilledar concerned at the time of hearing of this appeal case.*

*So, in view of the facts as explained above, I find no cogent reason to disturb the decision dated 10.03.2023 given by the Superintending Canal Officer, BWS Circle No.1, Hisar. Hence the appeal of the appellants is hereby rejected being devoid of any merit and the decision dated 10.03.2023 given by the Superintending Canal Officer, Bhakra Water Services Circle No.1, Hisar is hereby upheld. The decision be conveyed to all concerned accordingly.”*

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

9. I have heard the learned counsel for the petitioner and perused the paperbook with his able assistance.

10. Concededly, the private respondents had approached the Canal Authorities with a prayer for conversion of 13.52 acres area from UCA to CCA in the chak of outlet RD-30000/R of Daha Sub Minor of village Rawat Khera, Tehsil & District Hisar. Upon consideration of the matter and after hearing the necessary parties, the learned Divisional Canal Officer, vide order dated 26.12.2022 (Annexure P-3), partly allowed the demand of the private respondents by permitting conversion of 8.62 acres (69K-0M) area from UCA to CCA on trial basis for four crops.



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10.1 The aforesaid order dated 26.12.2022 (Annexure P-3) has been further affirmed by the learned Superintending Canal Officer as well as the learned Chief Canal Officer.

11. Before this Court, learned counsel for the petitioner has failed to point out as to what prejudice has been caused to the petitioner by conversion of 8.62 acres of area from UCA to CCA and that too on trial basis.

12. It is not disputed before this Court that, every irrigator is entitled to get best irrigation for his area as per law. Before partly allowing the plea of the private respondents, the authorities conducted due inspection at the site including taking spot levels of the area in question, and only after examining the feasibility of irrigating the land through various mechanical devices for lifting the canal water, the decision was taken. In the circumstances, no fault can be found with the jurisdiction exercised by the Canal Authorities.

13. No other argument has been raised.

14. Keeping in view the above discussion, I see no merit in the instant writ petition and the same is accordingly dismissed.

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

**06.04.2026**

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**(HARSH BUNGER)**  
**JUDGE**

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No