

2026.PHHC.049388



153

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

**CWP-8358-2026 (O&M)
Date of Decision: 19.03.2026**

Ram Kumar Nain

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Ms. Sonia G.Singh Samber, Advocate
for the petitioner.

Mr. Pankaj Mulwani, Senior DAG, Haryana.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari for setting aside the order dated 30.09.2024 (Annexure P-3) passed by the learned Divisional Canal Officer, Narwana Water Services Division, Narwana; order dated 11.11.2024 (Annexure P-5) passed by the learned Superintending Canal Officer, Bhakra Water Services Circle, Kaithal; and order dated 01.01.2026 (Annexure P-7) passed by the learned Chief Canal Officer, BWS Unit, Haryana Irrigation and Water Resources Department, Panchkula.

2. Briefly, one Sh. Ram Partap, along with others, submitted an application before the Canal Authorities seeking shifting of the head of the outlet from RD 4600/L to RD 5000/L of Kaloda Sub Minor.

2.1 Upon receipt of the aforesaid application, the Canal Authorities got the matter investigated through the Sub Divisional Canal Officer, Narwana, who, after conducting the inquiry, prepared a draft scheme and recommended the same for sanction. Thereafter, notices were issued to all concerned parties inviting their objections and suggestions, if any.

2.2 It transpires that the learned Divisional Canal Officer, Narwana, vide order dated 30.09.2024 (Annexure P-3), accepted the request of Sh. Ram Partap and others and allowed the shifting of the head of the outlet from RD 4600/L to RD 5000/L of Kaloda Sub Minor.

2.3 Feeling aggrieved against the aforesaid order dated 30.09.2024 (Annexure P-3), the petitioner preferred an appeal before the learned Superintending Canal Officer, Bhakra Water Services Circle, Kaithal, which came to be dismissed vide order dated 11.11.2024 (Annexure P-5).

2.4 Still dissatisfied, the petitioner preferred a further appeal before the learned Chief Canal Officer, BWS Unit, Haryana Irrigation and Water Resources Department, Panchkula; however, the same was also dismissed vide order dated 01.01.2026 (Annexure P-7), by observing as under:-

“I have gone through the complete proceedings of this appeal case initiated by both the courts below. It has been observed that the major portion of the area of the existing outlet at RD-4600/L Kaloda Sub Minor is being irrigated at site through the lined water course AB which runs straight from the proposed site of outlet at RD 5000-L Kaloda Sub Minor. Moreover, the F.S.L. of the lined water course at RD 4600-L and FSL at proposed RD 5000-L Kaloda Sub Minor are almost identical. So, the head of the existing outlet has been rightly shifted from RD 4600-L to RD 5000-L Kaloda Sub Minor by the Superintending Canal Officer, BWS Circle, Kaithal in the interest of better irrigation. The majority of the

shareholders of the existing outlet at RD 4600-L Kaloda Sub Minor has made request to shift the head of their existing outlet from RD 4600-L to RD 5000-L Kaloda Sub Minor except only one shareholder i.e. appellant. So, the objection of the appellant against shifting the head of existing outlet from RD 4600-L to RD 5000-L Kaloda Sub Minor is baseless.

In view of the facts as explained above, I find no cogent reason to disturb the decision dated 11.11.2024 given by the Superintending Canal Officer, BWS Circle, Kaithal. Hence, the appeal of the appellants is hereby rejected and the decision dated 11.11.2024 given by the SCO, BWS Circle, Kaithal is hereby upheld. The decision be conveyed to all concerned accordingly.”

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

4. Heard.

5. The learned Divisional Canal Officer, Narwana, vide order dated 30.09.2024 (Annexure P-3), accepted the demand of Sh. Ram Partap and others by allowing the shifting of the head of Outlet from RD 4600/L to RD 5000/L, Kaloda Sub Minor, by observing as under:-

“I have heard the arguments of the applicants as well as of the respondents, who came present in the court at the time of hearing of this case. Khaka plan and other relevant record place before the court has been perused. It has been observed that the outlet at RD 4600/L Kaloda Sub Minor has been fixed on the common line of rectangle/Quila No.7//7-14 and the 2 band exist in the line water course at point A and 2nd at point B which create hindrance in the smooth flow of canal water. However, in case, the outlet is fixed on the common line of rectangle No.4 – 7, the lined water course would run straight and the flow of canal water will be proper. The FSL at the exiting site as well

as at proposed site of outlet are almost identical and in case, the head of outlet is allowed to be shifted from RD 4600/L to RD 5000/L Kaloda Sub Minor, there would be no adverse affect on the irrigation of the area of anyone of the shareholder of the outlet.

So, in view of the facts as explained above, the demand of the applicants to shift the head of their outlet from RD 4600/L to RD 5000/L Kaloda Sub Minor is quite genuine. As a scheme is published hereby approved in the interest of better irrigation.

The decision of this case, however, will be subject to the confirmation by what the Superintending Canal Officer, BWS Circle, Kaithal. The decision be conveyed to all concerned accordingly.

The position of existing and proposed RD of outlet will be as under:-

B-FORM

Sr. No.	Name of Minor	Outlet RD	Name of Village	Existing area		Proposed RD of outlet	Proposed area	
				GA	CC A		GA	CC A
				335	315		335	315
1.	Kaloda Sub Minor	4600/L	Danoda Khurd, Kaloda Kalan	335	315	5000/L	335	315
	G.Total			335	315		335	315

Sd/- Divisional Canal Officer
Narwana W/S Division,
Narwana

No.52 Rev case/24Dated: 30.09.2024”

6. A perusal of the above extracted order reveals that the prayer of Sh. Ram Partap and others for shifting of the head of the outlet from RD 4600/L to RD 5000/L of Kaloda Sub Minor was allowed on the following grounds:-

- (i) That the outlet at RD 4600/L of Kaloda Sub Minor is situated on the common line of Rectangle/Quila No.7//7-14, and that the 2 band exist in the line watercourse, one at point ‘A’ and

another at point 'B', which create hindrance in the smooth flow of canal water.

(ii) In case, the outlet is fixed on the common line of Rectangle No.4-7, the lined watercourse would run straight and the flow of canal water will be proper.

(iii) The FSL at the existing site as well as at the proposed site of the outlet is almost identical.

(iv) In case, the head of the outlet is shifted from RD 4600/L to RD 5000/L of Kaloda Sub Minor, there would be no adverse effect on the irrigation of the land of any of the shareholders of the outlet.

7. That apart, the objection raised by the petitioner that shifting of the head of the outlet from RD 4600/L to RD 5000/L of Kaloda Sub Minor would result in a reverse slope, thereby adversely affecting irrigation of their land, has been duly considered and rejected by the learned Superintending Canal Officer. It has been observed that there is no difference in the FSL of the existing and the proposed sites, and that the entire *chak* is adequately commanded from the proposed outlet at RD 5000/L of Kaloda Sub Minor. It has further been observed that the majority of the shareholders are in favour of shifting the head of the outlet from RD 4600/L to RD 5000/L of Kaloda Sub Minor. The learned Superintending Canal Officer has, thus, found the objections raised by the petitioner to be baseless.

8. Keeping in view the aforesaid facts and circumstances, if the canal authorities, upon consideration of the matter, have come to the conclusion that the proposed source is the better source of irrigation and is in the interest of better irrigation, no fault can be found with the same.

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. Keeping in view the above discussion, I find no merit in the instant writ petition and the same is, accordingly, dismissed.
12. All the pending application(s), if any, shall also stand closed.

19.03.2026
Apurva

(HARSH BUNGER)
JUDGE

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