

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-10327-2026 (O/M)
Date of decision : 06.04.2026

Ranbir Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. R.S. Mamli, Advocate
for the petitioner.

Mr. Abhimanyu Antil, DAG Haryana.

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HARSH BUNGER, J. (ORAL)

1. Prayer in this civil writ petition filed under Articles 226/227 of Constitution of India, inter alia, is for issuance of a writ in the nature of certiorari for setting aside order dated 18.07.2024 (Annexure P-2), passed by learned Superintending Canal Officer, Ferozepur (in short 'SCO') and order dated 22.01.2026 (Annexure P-3), passed by learned Chief Canal Officer, Haryana (in short 'CCO').

2. Briefly, private respondents No. 5 and 6 filed an application before canal authorities for sanctioning of outlet at RD-9900-1, New Ding Minor for 553.49/519.44 acres area of village Mehuwala and 100.79/45.85 acres area of village Bhattu Kalan, total 654.28/565.29 acres from chak of existing outlet RD-4820-1, New Ding Minor on the plea that the area can get better irrigation from the proposed source.

2.1 It appears that learned DCO, vide order dated 29.12.2021 (Annexure P-1), rejected the claim of private respondents No. 5 and 6; however, on an appeal being filed by private respondents No. 5 and 6, learned SCO, vide order dated 18.07.2024 (Annexure P-2) approved new outlet at RD-9900-L, New Ding Minor, by observing as under :-

“The perusal of the record, including the khaka plan and B-Form attached in revenue missal at CP 194 shows that the existing chak of outlet RD 4820-L New Ding Minor contain GA/CCA 1114.78/990.98 acres area belonging to Villages Bhattu kalan, Mehuwala and Dhingsara of Tehsil Bhattu and District Fatehabad. Head of the outlet is fixed in the northern-eastern corner of the chak. Major portion of the lined watercourse passes through the area located on western-southern side. A large number of share-holders, being owners of GA/CCA 654.28/565.29 acres area, have applied for a new outlet at RD 9900-L New Ding Minor. Although some shareholders are opposing the demand of new outlet with the plea that the discharge of the existing outlet will be reduced substantially, yet majority of shareholders want new outlet for their area located in western side of the chak. Being a large size of chak and having abnormal length of lined as well as unlined watercourses, their area is getting low canal irrigation. Further the area of the chak is sandy and maintenance of unlined and lengthy watercourse is a difficult task. The existing outlet has 2.41 Cs discharge. The separate xxx outlet at RD. 9900-L New Ding Minor for the proposed area i.e. 654.28/565.29 acres having 1.39 Cs discharge. The beneficiary shareholders have produced an affidavit to the effect that they will bear the expenditure of adjustment of the outlets and remodeling of the lined watercourses.

The Zildar Fatehabad-I has recommended the demand after his personal site inspection of the area. The

Sub Divisional Canal Officer, Bhattu Water Services Sub-Division Bhattu has also recommended the proposal. After splitting of more than 50% area, remodeling of the existing lined watercourses will be required for which an estimate cost of Rs. 51,28,072/- is involved. The amount to be deposited has been intimated to the appellants/beneficiaries and they were agreed to deposit the amount prior to remodeling of the watercourse and fixation of the proposed outlets at site. They were also apprised that this amount may vary depending upon hike in cost of the construction material and so on.

In view of the reasons described above, the undersigned reaches the conclusion that the existing outlet is fixed in one corner of the chak and separate outlet will serve all the area more efficiently from the proposed site. Thus, the new outlet is approved to be fixed at RD. 9900-L New Ding Minor for an area of GA/CCA 654.28/565.29 leaving behind GA/CCA 460.50/425.70 acres area in existing outlet RD 4820-L, New Ding Minor, with the condition that the beneficiaries will xxx bear the expenditure of remodeling of lined watercourses i.e. Rs. 51,28,072/-. The condition of depositing of remodeling cost of the existing lined watercourses will have to be mentioned in the proposed A-Form of the outlet RD. 9900-L New Ding Minor by the Executive Engineer, Fatehabad Water Services Division, Fatehabad. The actual expenditure of fixation/adjustment of the outlets will also be borne by the beneficiaries in addition to the above mentioned remodeling cost. The appeal is hereby accepted by setting aside the decision dated 29.12.2021 passed by the Divisional Canal Officer, Fatehabad Water Services Division, Fatehabad.”

2.2 Feeling aggrieved against aforesaid order dated 18.07.2024

(Annexure P-2), petitioner preferred an appeal before learned CCO;

however, the same has been dismissed, vide order dated 22.01.2026 (Annexure P-3), by observing as under :-

“It has been observed that the existing outlet at RD 4820/L New Ding Minor has been sanctioned for a huge area of 1114.78/990.91 acres. The outlet has been fixed in the starting corner of the chak of existing outlet at RD 4820/L New Ding Minor and the entire area of this outlet is situated down side the head of existing outlet. The water courses which run from the head of existing outlet to the area of the respondents are very lengthy and it is beyond the capacity of the respondents to maintain such lengthy water course at their own cost. No doubt, the irrigation of the area in question has been worked out as 134%. However, this higher percentage of irrigation of the area in question is only due to mixed irrigation done at site with the help of tube-well water. The demand of the respondents to sanction a new outlet at RD 9900/L New Ding Minor for an area of 654.28/565.29 acres seems to be justified. The objection of the appellants against sanction of new outlet at RD 9900/L New Ding Minor is totally baseless as the discharge of each outlet is determined on the basis of CC Area and question does not arise of bearing any type of loss & injury by the appellants after sanctioning a new outlet at RD 9900/L New Ding Minor.

In view of the facts as explained, I find no cogent reason to disturb the decision dated 01.03.2024 given by the Superintending Canal Officer, BWS Circle, Fatehabad. Hence, the appeal of the appellants is hereby rejected and the decision dated 01.03.2024 given by the Superintending Canal Officer, BWS Circle, Fatehabad is hereby upheld. The decision be conveyed to all concerned accordingly.”

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

4. Heard.

5. Apparently, prayer made by private respondents No. 5 and 6 before canal authorities for approval of a new outlet has been allowed by learned SCO, which was further affirmed by learned CCO. Learned CCO recorded a categorical finding that initially the existing outlet at RD 4820/L New Ding Minor has been sanctioned for a huge area of 1114.78/990.91 acres and that the outlet had been fixed at the starting corner of chak; whereas the entire area of this outlet is situated down side head of existing outlet. It has further been observed that the watercourse which runs from the head of existing outlet to the area of private respondents No. 5 and 6 was very lengthy and also that it was beyond the capacity of private respondents No. 5 and 6 to maintain such a lengthy watercourse at their own cost. Considering the aforesaid difficulty being faced by private respondents No. 5 and 6, new outlet had been approved.

6. Learned counsel for petitioner has failed to show as to what prejudice has been caused to petitioner with the approval of new outlet.

7. Considering the totality of circumstances, I am of considered view that the canal authorities were justified in approving the new outlet considering the difficulty being faced by private respondents No. 5, 6 and other shareholders mainly on account of largeness of area being served by existing outlet.

8. Resultantly, the instant civil writ petition fails and same is accordingly, dismissed.

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

(HARSH BUNGER)
JUDGE

06.04.2026
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No