

2026PHHC:077714



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

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**CWP-15088-2026 (O&M)**

**Date of Decision: 14.05.2026**

Rajveer Kaur and others

..... Petitioners

Versus

Superintending Canal Officer, Sirhind and others

..... Respondents

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

Present: Mr. Judgepreet Singh Warring, Advocate and  
Mr. Kuldeep Kumar, Advocate  
for the petitioners.

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab.

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**HARSH BUNGER J. (ORAL)**

Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari for setting aside the order dated 21.11.2025 (Annexure P-14) passed by the learned Divisional Canal Officer, Bathinda Canal and Ground Water Division, Water Resources Department, Punjab, Bathinda; and also order dated 22.01.2026 (Annexure P-15) passed by the learned Superintending Canal Officer, Ludhiana Canal Circle, Ludhiana.

2. Briefly, respondent No.5 – Boota Singh, along with other shareholders, in the Chak of Mogha Burji 34730/R Raika Feeder (hereinafter referred to as 'the existing feeder outlet'), approached the canal authorities

with a prayer for transfer of their 106.26 acres of land from the existing feeder outlet to the Chak of Mogha Burji 3950/L Janghi Rana Minor of Village Janghi Rana (hereinafter referred to as 'the proposed outlet').

2.1 Upon receipt of the aforesaid application, the matter was got inquired into/investigated from the field staff. Thereafter, upon serving the affected shareholders and affording due opportunity of hearing to all concerned parties, the learned Divisional Canal Officer, Bathinda Canal and Ground Water Division, Water Resources Department, Punjab, Bathinda, visited the spot on 07.11.2025 and found, as a matter of fact, that respondent No.5 and other shareholders had earlier got their land shifted from Mogha Burji 3950/L Janghi Rana Minor to Mogha Burji 34730/R Raika Feeder. However, they had not made any fresh arrangement in the new watercourse and continued to use the old watercourse passing through their respective fields.

2.2 The objections regarding reduction in discharge from the Mogha, reduction in the speed of water flow, as well as the issue pertaining to accumulation of silt in the 500 millimeter diameter pipe, were also duly noticed and considered by the learned Divisional Canal Officer, Bathinda Canal and Ground Water Division, Water Resources Department, Punjab, Bathinda. Consequently, vide order dated 21.11.2025 (Annexure P-14), the learned Divisional Canal Officer allowed the prayer made by respondent No.5 and other shareholders regarding shifting of 106.26 acres of area from the 'existing feeder outlet' to the 'proposed outlet' as per the published scheme, which had been approved under Sections 13(1) and 14(2) of the Punjab Canal and Drainage Act, 2023, in the interest of better irrigation facilities.

2.3 Being aggrieved against the aforesaid order dated 21.11.2025 (Annexure P-14), the petitioners preferred an appeal before the learned Superintending Canal Officer, Ludhiana Canal Circle, Ludhiana. However, the said appeal also came to be dismissed vide order dated 22.01.2026 (Annexure P-15).

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

4. I have heard learned counsel for the respective parties and perused the paper book with their able assistance.

5. In the instant case, the learned Divisional Canal Officer, Bathinda Canal and Ground Water Division, Water Resources Department, Punjab, Bathinda, allowed the prayer made by respondent No.5 and other shareholders regarding shifting of 106.26 acres of area from the 'existing feeder outlet' to the 'proposed outlet', vide order dated 21.11.2025 (Annexure P-14), by observing as under:-

“ - x - x -

*The case was perused again on 21.11.2025. The reports of the Field Staff vide Office No.55-R/24 dated 09.01.2025 of the Zileadar, Teona and Office No.68-R/23 dated 13.01.2025 of the Sub Divisional Officer, Teona were read thoroughly and the other reports were not considered. The arguments advanced by both the parties during the hearing were thoroughly examined. As per the demand of the applicants, irrigation is being done from the existing Mogha Burji 34730/R, but as per the statements of the applicants, due to the improper laying of the pipeline and the water flowing in the opposite direction, the canal irrigation of their land is not proper. With the transfer of the area, the irrigation of the land of the applicants will be better because their land was earlier in this Mogha. So, after perusal*

*of all the facts and the report of the area JE, the demand of the applicants is justified as there is water availability in Janghi Rana Minor. Therefore, as per the demand of the applicants, 106.26 acres of area is transferred from Mogha Burji 34730/R Raika Feeder to Mogha Burji 3950/L Janghi Rana Minor. As per Fard (jamabandi) area of applicants comprised in Khasra No.145(17-4), 146(36-10), 147(24-16), 148(11-15), 149(15-9), 150(23-7), 151(6-7), 152(17-00), 153(25-0), 154(6-12), 155(36-00), 156(4-8), 157(33-10), 124(7-16), 125(7-13), 126(27-10), 127(29-01), 128(8-01), 129(29-3), 130(24-03), 131(2-9), 132(22-14), 133(25-0), 134(25-0), 135(30-0), 136(14-10), 137(9-0), 138(10-05), 139(14-0), 140(34-0), 141(22-14), 142(7-13), 143(24-16), 144(20-0), 167(26-15), 168(23-11), 169(18-0), 170(7-2), 172(5-7), 173(9-13), 175(10-0), 185(8-0), 186(15-0), 187(3-7), 188(18-06), 189(13-01), 190(13-18), 191(13-18), 192(10-18), total area of 850 kanals 2 marlas, i.e. 106.26 acres, from the chak of Mogha Burji 34730/R Raika Feeder to be included in the chak of Mogha Burji 3950/L Janghi Rana Minor, as per the published scheme, is approved under Section 13(1), 14(2) of Punjab Canal and Drainage Act 11 of 2023 in the interest of better irrigation, on the condition that the applicants will use only the pucca watercourse of Khasra No.124 as per the sketch map. The applicants will be bound to abide by all the conditions of the Canal Department. The applicants at their own manage to transfer of outlets and watercourses. As per the proposal of Sub-Divisional Officer, Teona Canal, Sub-Division Gidderbaha, the status of the area of the Moghas will be as follows:-*

| Sr. No. | Mogha Burji/Rajwaha        | Village     | Present   |          | Proposed  |          |
|---------|----------------------------|-------------|-----------|----------|-----------|----------|
|         |                            |             | G.A. Acre | CCA Acre | G.A. Acre | CCA Acre |
| 1.      | 34730/R Raika Feeder Minor | Janghi Rana | 615.40    | 585.52   | 509.14    | 482.11   |
| 2.      | 3950/L Janghi Rana Minor   | Janghi Rana | 680.94    | 679.71   | 787.20    | 783.12   |

*Order pronounced on 21/11/2025”*

6. The aforesaid order dated 21.11.2025 (Annexure P-14) has been further affirmed by the learned Superintending Canal Officer, Ludhiana Canal Circle, Ludhiana, vide its order dated 22.01.2026 (Annexure P-15), by

observing as under:-

*“.... It is clear from reading the entire case and considering the facts that the decision of the Divisional Canal Officer, Bathinda Canal and Ground Water Division, Bathinda is correct and in favour of more irrigation and has been made after visiting the spot itself and has clarified that the transferred 106.26 acres of land was earlier in 3950/L Janghi Rana Minor and after transfer, it was included in Burji 34730/R of Raika Feeder. But due to water flowing in the opposite direction, proper irrigation of this area was not taking place, therefore, by transferring the land back to Mogha Burji 3950/L Janghi Rana Minor, this area will get better irrigation and according to the reports of the field staff, due to sufficient water in Janghi Rana Minor, irrigation of this land area measuring 106.26 acres can be improved through diversion and flow. After examining and considering the above facts and all the documents and keeping in view the policy of the Government for better irrigation, the appeal of the appellants is dismissed and the decision of the Divisional Canal Officer, Bathinda Canal and Ground Water Division, Bathinda dated: 21/11/2025 for better irrigation is upheld. This decision is made under Section 14(3) of the Punjab Canal and Drainage Act, 2023. ....”*

7. From a perusal of the above extracted orders dated 21.11.2025 (Annexure P-14) and 22.01.2026 (Annexure P-15), it is apparent that the prayer made by respondent No.5 – Boota Singh and other shareholders for transfer of 106.26 acres of land from the existing feeder outlet to the proposed outlet was allowed after duly considering the prevailing situation at the spot. It was observed that from the existing outlet, the water was flowing in the opposite direction and proper irrigation of the area was not taking place.

7.1 It has further observed by the canal authorities that in the event the area is transferred to the proposed outlet, irrigation of the transferred area measuring 106.26 acres can be substantially improved through diversionary flow. In fact, the transfer of the area in question has been permitted keeping in view the aspect of better irrigation from the proposed outlet. It is well settled that every irrigator has a right to seek transfer of his area to the outlet from which his land can be better irrigated.

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. No other point has been urged.

12. Keeping in view the above discussion, 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, accordingly, dismissed.

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

**14.05.2026**

*Apurva*

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

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No