



CWP-34808-2025 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-34808-2025 (O&M)

Date of decision: 04.05.2026

Karamjit Kaur through her GPA Kewal Singh

....Petitioner

Vs.

Superintending Canal Officer, Patiala and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGERPresent: Mr. Sherry K. Singla, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab.

HARSH BUNGER J. (Oral)

1 Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari, for setting aside the order dated 27.02.2025 (Annexure P-4) passed by learned Divisional Canal Officer, Faridkot as well as order dated 08.08.2025 (Annexure P-6) passed by learned Superintending Canal Officer, Patiala.

2. Briefly, the petitioner submitted an application dated 08.05.2017 (Annexure P-1) seeking change of alignment of the watercourse on the plea that the watercourse in question had bifurcated the land of the petitioner, therefore, she is facing difficulty in cultivation of her land.

3. It appears that the matter was considered by the learned Divisional Canal Officer, Faridkot, who vide order dated 05.04.2023 (Annexure P-2) directed change of alignment of the watercourse running through the fields of the petitioner by stating that the alignment of the



watercourse be changed from point A-C to point A-B-C in rectangle No.53, killa No.25/1 with 2 *karam* width.

4. It appears that private respondents No.3 and 4 challenged the aforesaid order dated 05.04.2023 (Annexure P-2) by filing an appeal before the learned Superintending Canal Officer, Ludhiana, which came to be allowed vide order dated 16.08.2024 (Annexure P-3), wherein matter was remanded to the learned Divisional Canal Officer, Faridkot, to reconsider the case after affording due opportunity of hearing to both the parties.

5. That upon remand, learned Divisional Canal Officer, Fardikot, again reconsidered the matter and vide order dated 27.02.2025 (Annexure P-4) rejected the application/claim of the petitioner by holding as under:-

“Decision: *The case was taken up for hearing. Attendance was called. Opposite party appeared in court. The Zileadar Jagraon verified the identity of the parties. The opposite party submitted that he is a shareholder of Mogha Burji 22600/R, Rajbahah Kokri, and resident of village Gura, District Ludhiana. In April 2023, a decision was made without hearing his side, which is against the Canal Irrigation Act. The watercourse should remain at its original location, i.e., along the boundary wall. Even in the government map, the watercourse is shown along the boundary wall. He is at the tail end of the watercourse, and hence, he will suffer irrigation loss. Therefore, the previous decision should be cancelled and the watercourse restored as per the old map.*

The submissions of the parties who came present were heard carefully at length, and the case was thoroughly examined. In compliance with the instructions of the Superintending Canal Officer, Ludhiana Canal Sub-Division,



before changing the alignment, the consolidation watercourse was examined.

Having considered the matter, it is ordered that the murabbabandi watercourse in Point A-C in 72//5 be continued in operation. This order is passed under Section 30-B(2) of the Northern India Canal and Drainage Act, 8-1873, Punjab Amendment Act 23-1965. The applicant shall bear the entire cost of dismantling the watercourse, construction of pucca watercourse, alignment, and all other related expenses. They shall remain bound by all government conditions.”

6. Feeling dissatisfied, the petitioner preferred an appeal before the learned Superintending Canal Officer, Patiala, which came to be dismissed vide order dated 08.08.2025 (Annexure P-6), by holding as under:-

“xxx

xxx

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From the record relating to this case, it appears that the appellant party had applied before the Divisional Canal Officer, Faridkot, through application and statements, seeking a change in the alignment of the watercourse. Accordingly, the Divisional Canal Officer, Faridkot, through his order dated 05/04/2023, changed the alignment of the applicant's (now appellant's) watercourse from Point A-C to Point A-B-C: 53M 25/1, along the 2-karam wide passage eastern side, and in 53M/25/1 from Point B-C, a 2-karam wide western side. Subsequently, the opposite party filed Appeal Case No. 63-D:/A/Faridkot before the Superintending Canal Officer, Ludhiana Canal Circle, Ludhiana, who through his order dated 16/08/2024 allowed the appeal of the appellant party and remanded the case back to the Divisional Canal Officer, Faridkot. Thereafter, through his order dated 27/02/2025, the Divisional Canal Officer, Faridkot, retained the alignment of the consolidated watercourse at Point



A-C in Rectangle No. 72//5. Against this order, the appellant filed an appeal before the Superintending Canal Officer, Ludhiana, on 17/04/2025. On the request of the appellant to the Chief Engineer, Canals, the case was transferred to this office. During the arguments, counsel for the appellant argued that due to the consolidation watercourse, the appellant's land gets divided into two parts, causing loss. However, the watercourse whose alignment the appellant seeks to change has been in existence since the time the appellant filed the application in 2017. Till date, the appellant has not made any statement regarding exchange of land falling under the said watercourse with land from his own holding, nor has this been clarified in the field reports or in the judgments of the lower courts. It is worth noting that in the beginning, the Divisional Canal Officer, through his decision dated 05/04/2023, had changed the alignment of the watercourse passing through the land of the applicant (now appellant), and the area Zileadar had implemented this order at site on 04/07/2023. Yet, the appellant never took any steps regarding exchange of the land under the consolidated watercourse with the land under the newly approved alignment, though this was essential. The consolidated watercourse passes straight through the land of the appellant as per its alignment. Even after crossing the appellant's land, it continues straight in alignment and has existed on this alignment since old times. The ownership of land under this watercourse is also separate. Therefore, the argument of the appellant regarding division of land into two parts is not acceptable because this watercourse already exists on this alignment, through which irrigation of the shareholders of the outlet has been taking place. Hence, the order of the Divisional Canal Officer dated 27/02/2025 is upheld in view of the site situation and in the interest of irrigation, and the appeal of the appellant party is dismissed.”



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

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

9. From perusal of the impugned order, it is made out that the watercourse regarding which the petitioner is seeking change of alignment, is actually a watercourse, which was left during the consolidation operation in the village i.e. from point A-C in rectangle No.72, killa No.5.

9.1 It is also made out that the watercourse in question has been continuing at site since long and continues to run in a straight alignment through the land of the petitioner. Even the plea of the petitioner that the said watercourse bifurcates the land of the petitioner into two parts has not been accepted by the authorities, who have observed that the watercourse was already existing on the same very alignment, and also provides irrigation to the other shareholders of the outlet.

10. Before this Court, learned counsel for the petitioner has been unable to dispute the fact that the watercourse regarding which the change of alignment has been sought, is continuing at the same site, from the last many years.

11. That apart, from a perusal of site plan (Annexure P-9), it is clearly visible that the watercourse is running straight from point-A to point-C; thereby providing irrigation to the shareholders of the outlet. In case, the alignment is to be changed as per the demand raised by the petitioner i.e. from point-A to point-B and then to point-C, the same would not only increase the length of the watercourse, but the same would also



necessitate two bends in the watercourse, one at point-B and the other at point-C, which may obstruct the smooth flow of water and in turn obstruct irrigation to the other shareholders.

12. Upon considering the totality of circumstances, I am convinced that in the peculiar facts and circumstances of the case and especially considering that the alignment being sought by the petitioner from point A-B-C would not be in the interest of of irrigation, accordingly no fault can be be found with the impugned orders, whereby the request of the petitioner for the change of alignment had been declined.

13. Resultantly, the instant writ petition fails and the same is accordingly **dismissed**.

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

04.05.2026
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(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No