

(2011) 07 P&H CK 0198

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 8790 of 1996

Ran Singh and Others

APPELLANT

Vs

The State of Haryana and Others

RESPONDENT

Date of Decision: July 11, 2011

Acts Referred:

- Constitution of India, 1950 - Article 226, 227

Hon'ble Judges: Rajan Gupta, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Rajan Gupta, J.

In this petition filed under Articles 226/227 of the Constitution of India, the Petitioners seek a writ in the nature of certiorari for quashing orders Annexures P-2to P-4.

2. Brief factual background of the case is that Petitioners are irrigating their lands from outlet No. 5500L-Katesra Minor. They assert that full supply level at outlet No. 5940L is 714.52. Another outlet No. 5940 is down stream as compared to outlet No. 5500L. The land owners getting their supplies from outlet No. 5500L were getting satisfactory irrigation. However, shareholders at outlet No. 6935L were wanting a change in their outlet and initiated proceedings. The Divisional Canal Officer vide its order dated 9.9.1992 fixed the outlet at 5940L instead of 5500L for the shareholders who were previously getting water supply from outlet Nos. 6935L and 5500L. According to Petitioners, full supply level at outlet No. 5940L is less than supply at outlet No. 5500L. An appeal was preferred against the order of Divisional Canal Officer. The same was decided by the Superintending Canal Officer, Bhiwani on 20.5.1993 vide order Annexure P-3. The appeal was dismissed. The said order was challenged before the Chief Canal Officer who declined to interfere with the impugned order vide his order dated 15.2.1996 (Annexure P-4).

3. Aggrieved, the Petitioners have preferred the present writ petition. They have averred, inter alia, that supply being given to them from outlet No. 5940L has a lesser level of water supply. The new outlet has been fixed downstream which would adversely affect the flow of canal water to them. According to Petitioners, Respondent-authorities have not considered their claim in right perspective resulting in manifest injustice to them.

4. The claim of the Petitioners has, however, been resisted by Respondents No. 4 to 8. In the reply filed on their behalf, it has been submitted that impugned orders Annexures P-2 to P-4 have been correctly passed by the authorities. They have submitted that they were not getting satisfactory irrigation from their existing outlet. In view of topography of the area, outlet Nos. 5940L and 5940R in Katesra minor are suitable and up to the head of said minor, land can be easily irrigated from these outlets. They have also denied that supply level at outlet No. 5940L is less than that at outlet No. 5500L. According to answering Respondents, full opportunity was granted to all the parties before the authorities below.

5. I have considered the matter on the basis of record and given a careful thought to same.

6. A perusal of order passed by the Divisional Canal Officer shows that said authority considered the relevant record and recorded statements of the shareholders of the land. Oral arguments were also heard. After considering the matter the said authority came to the conclusion that necessary change be effected in the outlet pertaining to irrigation from Katesra minor. An appeal was filed against the said order before the Superintending Canal Officer. After hearing the matter, the said authority held that there was full supply level at outlet No. 5940R. Difference pointed out by the Appellants of 0.09" was held to be negligible. He, however, observed that after the outlet was fixed at 5940R, the temporary outlet from which some shareholders were getting supply would be closed. This order was challenged before the Chief Canal Officer. However, he also came to the conclusion that there was very minor difference of supply at outlet Nos. 5940L and 5500L.

7. It appears that concurrent findings were arrived at by three canal authorities below on the basis of record. No ground has been made out in the writ petition to show that finding was wrongly arrived at. It appears that full opportunity of hearing was granted to all the concerned C.W.P. No. 8790 of 1996 -4 land owners. Their statements were recorded and record was carefully considered.

8. Under these circumstances, I find No. ground to interfere in writ jurisdiction of this Court. The prayer to quash orders Annexures P-2 to P-4 is, thus, rejected. The petition is hereby dismissed.