



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

LPA-3090-2025 (O&M)

Date of Decision: 13th August, 2025

ISHWAR SINGH AND OTHERS

.....Appellant(s)

V/s.

**CHIEF CANAL OFFICER BWS UNIT, HARYANA IRRIGATION AND W.R.
DEPARTMENT, PANCHKULA AND OTHERS**

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present Mr. R.K. Singla, Advocate for
 Mr. Tarun Singla, Advocate,
 for the appellants.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This Appeal arises out of an order dated 30.04.2024 passed in CWP-6442-2020 whereby the learned Single Bench has refused to interfere with the orders passed by the Canal Authorities allowing the claim of the respondent for availing irrigation from a different water outlet.

2. The facts of the case have been examined by the learned Single Bench in detail and it has been found that the prayer for shifting of water outlet of the private respondents had merits. The observations made by the learned Single Bench, as are contained in para 6 of the judgment, are reproduced as under:-

“6. This Court has heard counsel for the parties and perused the record with their able assistance. It is deciphered from the facts and circumstances of the case that the private respondents had filed the application for transfer of 63/63 acre area from Outlet RD 17500-R New Kalayat Minor to RD 2235-TF Old Kalayat Minor for better irrigation. On filing the application, the scheme was investigated through the Sub

Divisional Canal Officer, Kalayat and the draft scheme was recommended for sanction. On receipt of the same, notices were issued to all the concerned for inviting their objections and suggestions. The statement of all the concerned co-sharers were also recorded. On hearing all the concerned co-sharers and appreciating the relevant reports received, it was found that 50/50 area was getting 71% irrigation at site with the help of tubewells which was very poor. Thus, the flow of irrigation water was found after adding the tubewell water to the canal water. Thus, the authorities found the application filed by the respondents for transfer of the area as genuine and the same was thus, approved. Learned Divisional Canal Officer vide his order dated 25.09.2018 accepted the same. This order was assailed by the petitioners by way of filing the appeal before the learned Superintending Canal Officer. Learned Superintending Canal Officer heard all the concerned parties and re-appreciated the relevant evidences. Learned Superintending Canal Officer found the objection raised by the petitioner that the siphon under the Sirsa Branch could not take extra water to be baseless as the siphon already constructed was fully capable to carry extra water for the area in question. Thus, finding no infirmity in the order passed by the Divisional Canal Officer, he dismissed the appeal filed by the petitioners. Still aggrieved, the petitioners approached the Court of Chief Canal Officer, again notices were issued to all the concerned parties and the relevant reports were re-appreciated. It was found that the transfer of the area from the existing outlet to new outlet is for the better irrigation and as the same was based on the relevant reports. The Officer present in the Court has submitted that the water channel was there since the time of consolidation however, the same was demolished at present. He has ensured the Court that this Khal which existed since consolidation would be restored so as to accommodate the flow of water and it would be ensured that no

loss or prejudice whatsoever is caused to the petitioners due to the difference in the level of their respective lands.”

3. Though various submissions are made by the learned counsel for the appellants, including the submission that almost 9 years earlier, one of the co-sharers request for transfer was rejected, but the facts recited in the order of the learned Single Bench are not shown to be perverse or factually incorrect.

4. This Court, in exercise of its appellate jurisdiction, will not be justified in interfering with such factual findings of the authorities which have been found to be valid by the learned Single Bench.

5. In Para 7, learned Single Bench has also observed that no prejudice otherwise would be caused to the appellants in the matter.

6. In that view of the matter, this LPA stands ***dismissed***.

7. All pending applications, if any, in this case are disposed of accordingly.

**[ASHWANI KUMAR MISHRA]
JUDGE**

**[ROHIT KAPOOR]
JUDGE**

August 13, 2025

Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>