

2025:PHHC:107137



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

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**CWP-22480-2025**

**Date of Decision: 18.08.2025**

Nand Lal and others

..... Petitioners

Versus

Chief Canal Officer, BWSU, Irrigation and W.R. Department, Haryana  
and others

..... Respondents

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

Present: Mr. Deepak Chaudhary, Advocate  
for the petitioners.

Ms. Upasana Dhawan, AAG, Haryana.

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**HARSH BUNGER J. (ORAL)**

Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari for setting aside order dated 18.10.2004 (Annexure P-1) passed by the learned Divisional Canal Officer, Fatehabad Water Services Division, Fatehabad as well as order dated 23.06.2005 (Annexure P-2) passed by the learned Superintending Canal Officer, B.W.S. Circle, Hisar.

1.1 A further prayer has been made for setting aside order dated 25.06.2025 (Annexure P-11) passed by the learned Chief Canal Officer, BWSU, Irrigation & W.R. Department, Panchkula, Haryana.

2. Briefly, around the year 2004, Sh. Sushil Kumar applied for the transfer of his land from the existing Outlet RD No. 5885-L Manakpur Minor to Outlet RD No. 16560-L Manakpur Minor, on the ground that the

proposed outlet would provide better irrigation to his area. After inquiry, the learned Divisional Canal Officer approved the transfer of 9.04 acres of land vide order dated 18.10.2004 (Annexure P-1), primarily taking into account the fact that the proposed outlet was near to the area, which was sought to be transferred.

2.1 The aforesaid order dated 18.10.2004 (Annexure P-1) was challenged by Inder Singh, Ram Chander and Diwan Chand, by filing an appeal before the learned Superintending Canal Officer, B.W.S. Circle, Hisar, however, the same was dismissed vide order dated 23.06.2005 (Annexure P-2).

2.2 According to the petitioners, the aforesaid Sushil Kumar had sold his land to respondents No.5 and 6, namely Balwinder Singh and Rajinder Kaur, respectively, on 18.10.2004. Subsequently, they approached the canal authorities by filing an application dated 22.10.2021 (Annexure P-3) seeking fixation of their *wari* (turn), i.e., *warabandi*. The Deputy Collector, Fatehabad, vide order dated 23.05.2022 (Annexure P-4), fixed the *wari* of respondents No.5 and 6 in accordance with the order dated 18.10.2004 (Annexure P-1).

2.3 Feeling aggrieved against the aforesaid order dated 23.05.2022 (Annexure P-4), the petitioners preferred an appeal before the Divisional Canal Officer, Fatehabad Water Services Division, Fatehabad, however, the same came to be dismissed vide order dated 03.08.2022 (Annexure P-6).

2.4 Still aggrieved, petitioners preferred a revision petition before the learned Superintending Canal Officer, B.W.S. Circle, Hisar, which was also dismissed vide order dated 08.04.2025 (Annexure P-8).

2.5 It appears that the petitioners thereafter preferred two separate appeals before the learned Chief Canal Officer, BWSU, Irrigation & W.R.

Department, Panchkula, Haryana. One appeal was filed against the orders dated 18.10.2004 (Annexure P-1) and 23.06.2005 (Annexure P-2), which approved the transfer of Sh. Sushil Kumar's land (now held by respondents No.5 and 6) from Outlet RD No.5885-L Manakpur Minor to Outlet RD No.16560-L Manakpur Minor. The second appeal was filed against the order passed by the canal authorities regarding the fixation of *wari* (turn), i.e., *warabandi*. Both appeals were dismissed by the learned Chief Canal Officer, BWSU, Irrigation & W.R. Department, Panchkula, Haryana, vide order dated 25.06.2025 (Annexure P-11).

2.6 It is worth noting that the appeal filed by the petitioners against the shifting of the area was dismissed on the grounds of delay and laches, whereas the second appeal was dismissed as not maintainable under Section 55 of the Haryana Canal and Drainage Act, 1974.

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

4. Heard.

5. Apparently, as regards the challenge to the orders dated 18.10.2004 (Annexure P-1) and 23.06.2005 (Annexure P-2), whereby the area of Sh. Sushil Kumar (now held by respondents No.5 and 6) was transferred to the new Outlet RD No.16560-L Manakpur Minor, the same is clearly barred by delay and laches. A perusal of the application seeking condonation of delay before the Chief Canal Officer, BWSU, Irrigation & W.R. Department, Panchkula, Haryana, reveals that the sole ground taken therein was that the petitioners only became aware of the order dated 23.06.2005 in May 2025.

6. In my considered view, the aforesaid stand of the petitioners is

totally incorrect and false, especially since respondents No.5 and 6 sought fixation of *warabandi* in the year 2021 by filing an application (Annexure P-3) based on the order dated 18.10.2004 (Annexure P-1). Furthermore, regarding the fixation of *warabandi*, once the area of Sh. Sushil Kumar (now held by respondents No.5 and 6) was shifted to the new Outlet RD No.16560-L Manakpur Minor, it naturally follows that the *wari* (turn) must also be fixed according to the watercourse from the said outlet.

7. Learned counsel for the petitioners has failed to show as to what prejudice has been caused to petitioners by the transfer of area and/or the fixation of *wari* (turn), i.e. *warabandi*.

8. Keeping in view the totality of circumstances, I find no merit in the present writ petition and the same is dismissed, accordingly.

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

18.08.2025  
*Apurva*

(HARSH BUNGER)  
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No