



made in the year 2005, which relief though was allowed in favour of the private respondents initially but on an appeal preferred by the appellants herein in the year 2007, the Chief Canal Officer rejected the said transfer, which order had attained finality hence, as the issue qua the transfer of land for irrigation purpose from RD 83500-L to RD 81916-L had already been heard and decided by competent court of law, the same issue could not have been made subject matter of adjudication again and again relief could not have been extended by the authority concerned to the private respondents as the same would amount to violation of principles of res judicata.

3. Learned Senior Counsel appearing on behalf of the appellants further argues that though, the order of transferring of the land of the private respondents for better irrigation from outlet bearing RD 83500-L to RD 81916-L is based upon certain reports but the reports which have been given, clearly states that the percentage of irrigation from the already availed outlet bearing No. RD-83500-L is 100% which was the proposed for the purpose of shifting outlet bearing RD 81916-L still has only 68% of irrigation, which fact has been ignored by all the authorities including the Learned Single Judge while rejecting the plea of the appellants qua shifting of 59/56 acres area of private respondents of their land from outlet bearing RD 83500-L to RD 81916-L.

4. We have heard learned Senior Counsel for the appellants and have gone through the records of the present case with his able assistance.

5. It may be noticed that though, the same claim qua transfer of land for irrigation purpose from RD 83500-L to RD 81916-L was made by the private respondents in the year 2005, which claim though was initially allowed by the authorities but in the year 2007, the said plea made by private

respondents was rejected by the District Canal Officer. Thereafter in the year 2012, keeping in view the fact that outlet bearing RD 81916-L, the same got damaged and 181 acres of land which was being irrigated from the said outlet RD 81916-L, was shifted from outlet bearing RD 81916-L to RD 83500-L, which fact is conceded even by the learned Senior counsel arguing the present appeal.

6. Once, a large chunk of area was taken out of outlet bearing RD 81916-L in the year 2012 qua irrigation purpose, the position changes so as to again consider the request of the private respondents for shifting their land which is adjacent to outlet bearing RD 81916-L to the said outlet for purpose of better irrigation. The argument putforth by the Senior counsel for appellants is that without there being any change in the circumstances, the plea of private respondents qua transfer of land, which was earlier declined in the year 2007, has been allowed now, cannot be accepted in view of the changed circumstances.

7. Further, the authorities have called for the report depicting percentage of irrigation and looked into all the aspects including the shifting of certain area of land of the private respondents from outlet bearing RD 83500-L to RD-81916-L for irrigation purposes including the fact that the irrigation percentage from outlet bearing RD 81916-L is 68% and RD 38500-L is 100%. Merely that the percentage of irrigation from outlet bearing RD 81916-L is 68% does not mean that even after taking out a large chunk of 181 acres of land in the year 2012, chunk of 59/56 acres cannot be added to it or the same will cause any prejudice to the appellants.

8. Further, the authorities concerned were again called to file a specific affidavit specifying as to when the proceedings were pending before

the learned Single Judge and the Divisional Canal Officer, again filed an affidavit stating that the shifting of the land of the private respondents which is situated near to the outlet bearing RD 81916-L, will be in the interest of justice and no prejudice will be caused to the appellants herein.

9. Once, the competent authorities have taken the said view, merely that at the outlet bearing RD 81916-L, percentage of irrigation of area is 68%, the report of the competent authority cannot be ignored especially when, the irrigation from the said outlet prior to the taking out of 181 acres was also 68%.

10. That being so, the contention of the appellants qua the aspect of percentage of irrigation which is being harped upon by the appellants that the same has been ignored by the authorities concerned as well by the learned Single Judge, will not make much difference.

11. Further, when the percentage of irrigation was 53% in the year 2007 from the outlet bearing RD 81916-L and thereafter, an area of 181 acres has been taken out of the said outlet and the irrigation percentage has been increased from 53% to 68%, it cannot be said that by adding 56 more acres, there will be any prejudice caused to the appellants especially when no evidence of any prejudice caused to the appellants has been brought on record.

12. No other argument is raised.

13. Keeping in view the totality of the circumstances, no ground is made out for any interference qua the findings recorded by the learned Single Judge, which is based upon the reports of the authorities concerned, which is consistent and no perversity either in the facts or law has been pointed out qua the impugned judgment.

14. Present appeal stands dismissed.
15. Pending application, if any, also stands disposed of.

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

21-08-2025

Sapna Goyal

**(VIKAS SURI)**  
**JUDGE**

Note: Whether speaking: YES  
Whether reportable: NO