

(1990) 05 P&H CK 0009
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 9061 of 1987

Rangi and anr.

APPELLANT

Vs

Chief Canal Officer and ors.

RESPONDENT

Date of Decision : 25-05-1990

Acts Referred:

Citation : (1990) 2 LJR 231 : (1990) PLJ 412 : (1991) 1 RRR 361

Hon'ble Judges : M.R.Agnihotri, J

Advocate : Bhoop Singh, Advocates., Advocates for appearing Parties

Judgement

M.R. Agnihotri, J.

1. In this petition under Articles 226 and 227 of the Constitution a prayer has been made for the issuance of a writ of certiorari for quashing the order dated 16th November, 1987 passed by the Chief Canal Officer/B.C. Haryana, by which he has found that the scheme for splitting chak outlet RD 57160R is technically sound and feasible and the majority of shareholders have demanded for its splitting.

2. Petitioners Rangi and Fakiria are the rightholders of village Kurar, Tehsil Narwana, District Jind, in the State of Haryana. Their lands are being irrigated by outlet RD57160R Dhamtan Disty, for the last 50 years. In 1986, some residents approached the Divisional Canal Officer, Narwana for the splitting of outlet No. RD57160R but the demand was rejected as the same was not found technically justified. This decision of the Divisional Canal Officer was, however reversed in appeal on 3rd February, 1987 by the Superintending Canal Officer. The matter went up to the Chief Canal Officer in revision, who remanded the same with certain observations regarding spot level of the area and about the position of the land left for watercourse from the common pool during consolidation operation. The matter was again considered by the Superintending Canal Officer and he also found that the demand of the respondents for allowing a separate outlet at RD 60650R, after splitting the Chaks of existing outlets R57160R and 65670R Dhamtan Disty, was justified and accepted the same. This decision of the

Superintending Canal Officer, dated 30th September, 1987, has now been upheld by the Chief Canal Officer, dated 16th November, 1987 in which it has been found by him that the scheme for splitting outlet No. RD57160R was technically sound and feasible.

3. Challenging the aforesaid order the learned counsel for the petitioners contends that the impugned order is not a speaking order and on that account it should be set aside. Reliance has also been placed by the learned counsel on certain precedents reported as *Madhya Pradesh Industries Ltd. v. Union of India and others*, AIR 1966 Supreme Court 671, *Bhagat Raja and others v. Union of India and others*, AIR 1967 Supreme Court 1606 and *Bhajan Singh and others v. Superintending Canal Officer and others*, 1970 PLJ 1, in support of the proposition that nonspeaking orders passed by the Canal authorities deserve to be set aside.

4. After hearing the learned counsel I do not find any force in the contention raised by the learned counsel for the petitioners. From the perusal of the impugned order, it would be evident that not only the learned Chief Canal Officer had agreed with both the orders of the Superintending Canal Officer that it is the earlier one dated 3rd February, 1987, and the second order dated 30th September, 1987 which are quite detailed and wellreasoned, but he has also examined the matter in detail himself. The conclusion arrived at by the Chief Canal Officer that the splitting of the watercourse is technically sound and feasible is based on proper consideration of the relevant material on the record and I find the reasons stated by the Chief Canal Officer are quite germane and relevant to the question in issue.

5. No other point has been urged.

6. Consequently, the writ petition is dismissed with no order as to costs.