
(1977) 04 RAJ CK 0008
In the Rajasthan High Court
Case No : Civil Writ Petition No. 119 of 1977

Sahiram

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 26-04-1977

Acts Referred:

Citation : (1977) WLN 196

Hon'ble Judges : D.P. Gupta, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

D.P. Gupta, J.—In this writ petition, the contention of the learned Counsel for the petitioner is that the petitioner was not given any notice nor was he afforded an opportunity of hearing by the Superintending Engineer (Irrigation) Bikaner Irrigation Circle, Sri Ganganagar, in respect of the reorganisation of Chak No. 18GG and 19GG by including therein some Murabbas of Chak No. 13 HH. The petitioner is a land holder of Murabbas Nos. 32 & 33 in Chak No. 13 HH. The contention of the learned Counsel for the petitioner is that on account of the reorganisation of the aforesaid Chaks, some portion of Chak 13 HH was separated and included in Chak Nos. 19GG and the petitioner suffered two fold injury on account of this reorganisation of Chaks. In the first place, the petitioner's fear is that the quantity of water supplied to the petitioner would be reduced considerably as the size of the outlet would also be reduced, on account of the reorganisation resulting in reduction of the area of the aforesaid Chak No. 13HH. In the second place, it is submitted that on account of the reduction in the size of the Chak No. 13HH, the petitioner alone would have to bear the expenses of the construction, repair and maintenance of the water course provided for supply of water from the outlet to the petitioner's fields.

2. The respondent have filed a reply to the show cause notice and as regards the first point, it has been averred by them that no reduction at all in the quantity of water supplied to the petitioner shall be caused on account of the reorganisation

of the aforesaid Chaks, because the supply of water released from the outlet would strictly be in accordance with the area of the land to be irrigated by it. The respondents have explained the situation by submitting that although the size of the cutlet would be reduced on account of the reduction in the area of Chak No. 13HH, but at the same time the duration of water supply to the petitioner's fields would be correspondingly increased, as the number of fields sharing the water supply from the said outlet would also be reduced with the reduction in the area of the Chak. Thus, the respondents assert that the quantity of water supply to the petitioner would continue to remain the same, inspite of the reorganisation of the aforesaid three Chaks and there would be no reduction at all in the quantum of water supplied to the petitioner's fields. There is no reason not to accept the aforesaid explanation furnished by the respondents in this respect. I, therefore, hold that the fears of the petitioner in this regard are more imaginary than real.

3. As regards the other contention of the learned Counsel for the petitioner, it has been submitted by the respondents that the cost of construction, maintenance and repairs of the water course is borne by all the persons holding land in the Chak and that on account of the reduction in the size of Chak No. 13 HH, the length of the water course would also be correspondingly reduced, with the result that the cost of maintenance and repairs of water course would also be comparatively diminished in accordance with the reduced size of the Chak No. 13HH. In this view of the matter, it is submitted on behalf of the respondents that no substantial injury shall be caused to the J petitioner.

4. Learned Government Advocate has also placed before this Court the record of the proceedings taken by the Executive Engineer, Superintending Engineer and the Collector, Sri Ganganagar in this matter. It appears from a perusal thereof that the petitioner and his three brothers are the cultivators of Murabba Nos. 32 and 33 of Chak No. 13HH and that two of the petitioner's brothers namely Baloo and Hukma, sons of Hira, had taken part in the proceedings and they also filed affidavits before the Collector, Sri Ganganagar on July 18, 1969 stating that they shall suffer loss and injury if the area of Chak No. 13 HH is reduced by taking out certain Murabbas there from. The record placed before me also shows that the petitioner Sahiram along with some other cultivators of Chak No. 13HH authorised two advocates namely, Shri Milkiya Singh and Shri Dalbirsingh to appear on his behalf in the matter before the Superintending Engineer, Sri Ganganagar. It cannot, therefore, be said that the petitioner had no knowledge of the proceedings before the irrigation authorities in this matter.

5. After considering the reply submitted by the respondents to the show cause notice, I am not satisfied that the petitioner shall suffer substantial loss or injury on account of the reduction in the size of Chak No. 13 HH by taking out certain Murabbas from the aforesaid Chak and adding them to Chak No. 19GG. I also do not feel convinced for the reasons stated already that the petitioner had no knowledge of the proceedings before the concerned irrigation authorities.

6. In this view of the matter, there is no force in the writ petition and the same is

dismissed.