
(2000) 12 P&H CK 0160
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 17150 of 2000

Sham Sunder

APPELLANT

Vs

Superintending Canal Officer, Ferozepur

RESPONDENT

Date of Decision : 13-12-2000

Acts Referred:

Constitution of India, 1950 — Article 226
Northern India Canal and Drainage Act, 1873 — Section 30

Citation : (2000) 12 P&H CK 0160

Hon'ble Judges : Jawahar Lal Gupta, J;J.S. Narang, J

Bench : Division Bench

Advocate : Mr. C.M. Munjal, for the Appellant;

Final Decision : Dismissed

Judgement

Jawahar Lal Gupta, J.—The petitioner filed an application for shifting his source of irrigation to outlet No. 13400-L. This application was dismissed by the Divisional Canal Officer vide order dated January 29, 1997. A copy of this order has been produced as Annexure P-2 with the writ petition. The petitioner filed an appeal. It was dismissed by the Superintending Canal Officer vide order dated October 26, 1997. A copy of this order has been placed on record as Annexure P-3. Aggrieved by the two orders, the petitioner has approached this Court through the present writ petition.

2. We have heard Mr. C.M. Munjal, learned Counsel for the petitioner.

3. At the outset the counsel has been confronted with the question of delay. Admittedly, the impugned orders had been passed on January 29, 1997 and October 26, 1997. The writ petition was presented to the Registry on December 12, 2000. There is an inordinate long delay of more than three years.

4. Mr. Munjal states that the petitioner had engaged a counsel in this Court to file the present writ petition. When was the counsel engaged ? Nothing has been mentioned. It has been further averred that the brief containing the documents

was misplaced. What steps did the petitioner take thereafter ? There is no answer. Still further, the contention does not appear to be correct. The certified copy of the order dated October 26, 1997 produced by the petitioner shows that he had applied for a copy on January 16, 1998 and it was supplied to him on January 20, 1998. If the brief had been actually misplaced then how has the petitioner produced the copy which he had obtained in the year 1998 ? It has been averred that the brief was found tagged with another file. Which file ? When ? The petitioner has given no details.

5. Even otherwise, we find no ground to interfere. The Canal Authorities are the best judges for the situation at the spot. If on a consideration of the matter it has been found that the fields of the petitioner can be properly irrigated from the existing outlet, this court cannot interfere in proceedings under Article 226 of the Constitution unless it is shown that the order is patently illegal and arbitrary. Nothing of the sort has been pointed out.

6. In view of the above, we find no ground to interfere. The writ petition is, accordingly, dismissed in limine.

7. Petition dismissed.