
(2017) 01 RAJ CK 0043
In the Rajasthan High Court
Case No : 51 of 2017

Sukhmandar Singh S/o Shri Bhupendra Singh	APPELLANT
Vs	
State of Rajasthan	RESPONDENT

Date of Decision : 23-01-2017

Acts Referred:

[Rajasthan Irrigation and Drainage Rules, 1955](#), Rule 11(2)

Citation : (2017) 01 RAJ CK 0043

Hon'ble Judges : Govind Mathur, G.R. Moolchandani

Bench : DIVISION BENCH

Advocate : Hemant Jain

Judgement

1. This appeal is preferred to challenge the order dated 22nd of Nov., 2016 passed by learned Single Bench in a batch of writ petitions challenging the proposed action of the respondents in endeavoring to alter the existing outlet adjacent to agriculture field of the appellant-petitioners.
2. The case of the petitioners before learned Single Bench was that as per Rule 11(2) of the Rajasthan Irrigation and Drainage Rules, 1955, no change of whatsoever nature with mogas/outlets could have been made without having approval from the State Government. Learned Single Bench while accepting the writ petition quashed the impugned orders of the modification and further restrained the respondents from altering existing mogas/outlets without following the

procedure given under Rule 11(2) of the Rules of 1955. While doing so, a liberty is given to the Department of Irrigation to approach the competent authority of the State Government for issuing sanction to make suitable changes at the disputed location as per requirements of modernization and then to proceed further. It is submitted on behalf of the appellant-petitioners that learned Single Bench though has given an opportunity to the Department of Irrigation to approach the State Government to issue sanction for making suitable changes at the disputed locations as per the requirements of modernization, but no opportunity is provided to the petitioners to place their version before the State Government

3. Having considered the arguments advanced, we are of the opinion that learned Single Bench set aside the order of modification being in violation of Rule 11(2) of the Rules of 1955 and directed the Irrigation Department to approach the State Government just with a view to explain the existing circumstances. The direction given by learned Single Bench nowhere restrains the appellants from submitting their view to the State Government, as such, the appellant-petitioners are certainly at liberty to submit a representation to the State Government with their version of facts pertaining to the issue concerned.