



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 1474/2021

1. Smt. Padam Kanwar W/o Shri Khangar Singh, Aged About 61 Years, B/c Rajput, R/o Ward No.5, 27 Road, Anoopgarh, Tehsil- Anoopgarh, District- Sri Ganganagar.
2. Chander Bhan S/o Shri Puran Chand, Aged About 58 Years, R/o Nai Dhan Mandi, Anoopgarh, Tehsil- Anoopgarh, District- Sri Ganganagar.

-----Petitioners

Versus

1. The State Of Rajasthan, Through Secretary, Water Resources Department, Government Of Rajasthan, Secretariat, Jaipur.
2. The District Collector, Sri Ganganagar.
3. The Superintending Engineer, Water Resources Circle, Sri Vijaynagar, District- Sri Ganganagar.
4. The Executive Engineer, Water Resources, Anupgarh Branch Division I, Sri Vijaynagar, District- Sri Ganganagar.

-----Respondents

For Petitioner(s) : Mr. Dron Kaushik
For Respondent(s) :

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Order

27/01/2021

The instant writ petition under Article 226 of the Constitution of India has been filed with a limited prayer made by the petitioners that the Executive Engineer, Water Resources, Anupgarh Branch Division I, Sri Vijaynagar, District Sri Ganganagar may be directed to decide the representation of the petitioners as early as possible.



Learned counsel for the petitioners submits that the petitioners submitted a detailed representation before the Executive Engineer, Water Resources, Anupgarh Branch Division I, Sri Vijaynagar, District Sri Ganganagar, but the Executive Engineer, Water Resources, Anupgarh Branch Division I, Sri Vijaynagar, District Sri Ganganagar has not considered the representation till date. Counsel for the petitioners has placed reliance on a decision of the Co-ordinate Bench of this Court in the case of **Krishan Kumar V/s State of Rajasthan** decided on 13.04.2012. This Court in Krishan Kumar's case (supra) has held as under:-

"8. Indisputably, the allotment of the land in question in favour of the petitioner's predecessor was made as command land by the competent authority after charging the price as required to be paid for irrigation land. It is also a common ground between the parties that the since the land allotted was command land, the irrigation facility was extended to it up to the year 1983. In this view of the matter, the irrigation authorities had no jurisdiction to consider the command land to be uncommand land on their own. As a matter of fact, while deciding the representation made by the petitioner, the respondent authority has proceeded with the presumption that the land in question is uncommand land and the same cannot be converted into command land inasmuch as the adequate water is not available in Anoopgarh Branch of the canal. In considered opinion of this Court, the petitioner's land which was command land when initially allotted could not have been treated to be uncommand land by the irrigation authorities. Thus, the respondent authority has committed an error in treating the land to be uncommand land.

9. The land held by the petitioner being command land the respondent authorities are under obligation to take appropriate steps to provide the irrigation facilities to the said land. The respondent authority has to consider the petitioner's demand for supply of the water in accordance with the provisions of the Rajasthan Irrigation and Drainage Act, 1954 and the Rules made thereunder."

In the aforesaid circumstances, the present writ petition is disposed of with direction that the Executive Engineer, Water



Resources, Anupgarh Branch Division I, Sri Vijaynagar, District Sri Ganganagar shall consider the representation along with the documents filed by the petitioner strictly in accordance with law within a period of two months from the date of receiving certified copy of this order.

(MANOJ KUMAR GARG),J

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RAJASTHAN HIGH COURT



सत्यमेव जयते