



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



S.B. Civil Writ Petition No. 1788/2026

1. Jagdish S/o Norang Ram, Aged About 55 Years, R/o Jhansal Tehsil Bhadra, District Hanumangarh At Present President Water Consumer Distribution Committee (Chak 5-6 Ams, 2Chn, Ajsl, Bisc) Amar Singh Sub Branch, Siddhmukh Canal Project, Water Resources Division, Bhadra.
2. Dayaram S/o Nathuram, Aged About 55 Years, R/o 202, Village Ninan, Tehsil Bhadra, District Hanumangarh (Raj.).
3. Rakesh S/o Fateh Singh, Aged About 56 Years, R/o Ward No. 12, 6 Jgw, Ninan, Tehsil Bhadra, District Hanumangarh (Raj.).
4. Surendra Kumar S/o Hari Singh, Aged About 50 Years, R/o Ward No. 8, Chhani Bari, Tehsil Bhadra, District Hanumangarh (Raj.).
5. Bhoop Singh S/o Hari Ram, Aged About 54 Years, R/o Vpo Chhanibari, 5 Chn, Tehsil Bhadra, District Hanumangarh (Raj.).
6. Dwarka Prasad S/o Mula Ram, Aged About 70 Years, R/o Village Jhansal, 2Jsl, District Hanumangarh (Raj.).
7. Ramniwas S/o Sahiram, Aged About 54 Years, R/o Ward No. 18 5 Chn, Channibari, District Hanumangarh (Raj.).
8. Krishan Chander Sharma S/o Kheta Ram, Aged About 65 Years, R/o Near Panchayat Ghar, Ward No. 5 Chn, Channibari, District Hanumangarh (Raj.).
9. Subhash S/o Manful @ Fularam, Aged About 39 Years, R/o 285, Channibari, Tehsil Bhadra, District Hanumangarh (Raj.).
10. Subhash S/o Shyochand, Aged About 50 Years, R/o Channibari, 5Chn, Tehsil Bhadra, District Hanumangarh (Raj.).
11. Subhash S/o Ghadsi Ram, Aged About 49 Years, R/o Ward No. 2, 6 Jgw, Ninan, Tehsil Bhadra, District Hanumangarh (Raj.).
12. Lalchand S/o Kishanlal, Aged About 52 Years, R/o Sahuwala 9 Mrn, Sahuwala, District Hanumangarh (Raj.).
13. Bhupsingh S/o Amichand, Aged About 64 Years, R/o Sahuwala, 9 Mrn, District Hanumangarh (Raj.).
14. Devi Lal S/o Rajeram, Aged About 52 Years, R/o Ward No. 12, Ninan, 5Chn, Tehsil Bhadra, District Hanumangarh (Raj.).
15. Prabhu Dayal S/o Shyokaran, Aged About 69 Years, R/o 6B Jgw, Ninan, Tehsil Bhadra, District Hanumangarh (Raj.).

----Petitioners

Versus





1. State Of Rajasthan, Through Secretary, Department Of Irrigation, Government Of Rajasthan, Jaipur.
2. Chief Engineer, Water Resource (North), Hanumangarh.
3. Executive Engineer, WR Bhakhra Siddhmukh Regulation Division, Hanumangarh Junction.
4. Assistant Engineer, Water Resource Regulation Sub Division III, Bhadra.
5. Jai Shree Shyam Enterprises, Through Its Proprietor Bhadra, District Hanumangarh.

-----Respondents

For Petitioner(s) : Mr. Moti Singh.

For Respondent(s) :

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

Conclusion of Arguments &

Reserved on : 23/01/2026

Pronounced on : 31/01/2026

1. This writ petition has been filed by the petitioners with the following prayer :-

“It is, therefore, most humbly prayed that this writ petition may kindly be allowed :

a) By an appropriate writ order or direction order may kindly be issued and order dated 04.11.2025 (Annexure-9) as well as technical sanction dated 24.07.2023 (Annexure-11), passed by the respondent may kindly be quashed and set aside.

b) By an appropriate writ order or direction order may kindly be issued and the respondent may kindly be restraint to change the point of outlets of the Amarsingh sub-minor branch of the Siddhmukh canal project.

c) That the any other relief, which this Hon'ble Court deems fit, by which the petitioner may get full justice may also be allowed. Costs of this writ petition may kindly be awarded in favour of the petitioners.”

2. The facts, in nutshell, as narrated in the present writ petition, are that the petitioners are recorded Khatedar tenants of the canal area project of Bhakhra Canal. In the said project, a





sub-minor namely Amar Singh Sub-minor Canal was established being a minor of the Bhakhra Siddhmukh Regulation. There is one outlet in every chak for providing water facility in Amar Singh branch.

2.1 A bunch of writ petitions led by S.B. Civil Writ Petition No.3204/2016 (Ladu Ram Vs. State & Ors.) were filed challenging the resolutions of meeting dated 11.09.2015 and 20.10.2015, wherein decision was taken to undertake the locking system / arrangement of / on the APMs (Adjustable Proportional Module) already installed, as per the sanctioned P-form.

2.2 On 15.09.2017 (Annexure-3), the Special Officer, Water Resources Department, Jaipur permitted to amend the outlets of Amar Singh branch for the chak mentioned therein.

2.3 During the pendency of the aforementioned bunch of writ petitions, the technical sanction for carrying out the rectification of outlets of AMS Sub Branch, NTR Disty and DPN Disty was granted on 24.07.2023 (Annexure-11).

2.4 The said bunch of writ petitions came to be dismissed on 04.11.2025 and subsequent thereto, the work order was issued on 14.11.2025 (Annexure-9) for carrying out the rectification of outlets of AMS Sub Branch, NTR Disty and DPN Disty wherein the stipulated date for commencement and completion of work has been mentioned as 21.11.2025 and 20.02.2026, respectively. On the same day i.e. 14.11.2025, the financial sanction was also granted qua the said work.

2.5 The petitioners being aggrieved of the work order, submitted representations before Executive Engineer on 19.12.2025





(Annexure-10) requesting to defer the work till April 2026 as disturbance in water supply would affect the agriculturists adversely during mid-crop season considering that rabi crops have already been sown.

2.6 The present writ has been filed on 22.01.2026 challenging the technical sanction dated 24.07.2023 so also work order dated 14.11.2025 as the petitioners' representations were not acted upon.

3. Learned counsel for the petitioners submitted that the petitioners being agriculturists would be gravely affected if tender work is executed during mid-crop season as in absence of water, the crops would be destroyed.

3.1 He further submitted that in the year 1998, similar decisions were withdrawn after facing agitation from cultivators and order dated 21.12.1998 (Annexure-13) was passed prohibiting removal or alteration of outlets after providing ditch channels.

3.2 Further, vide order dated 13.04.2007 (Annexure-15), it was clarified that prior to any change in outlets or chak boundaries under the Bhakhra Project providing opportunity of hearing and procuring consent of the cultivators was mandatory so also outlets once fixed could not be altered without such consent.

3.3 The petitioners have neither been heard before granting approval qua the rectification of outlets nor their representations ventilating their grievance has been considered by the respondents.

In view of the above submissions, learned counsel for the petitioners prayed that technical sanction so also financial sanction





granted qua the rectification of the impugned outlets may be quashed and set aside. Alternatively, it was prayed that work may not be executed during the mid-crop season i.e. till April 2026.

4. Heard learned counsel for the petitioners and perused the material available on record.

5. It is to be noted that the decision to amend the outlets of the Amar Singh Branch was approved vide communication dated 15.09.2017 (Annex.-3) for the Chak mentioned therein, however, it appears that the said communication has never been challenged.

5.1 It is further to be noted that in the present case, technical sanction for carrying out rectification of outlets of the AMS Sub-Branch, NTR Disty and DPN Disty was granted on 24.07.2023. The present writ petition has been filed after a delay of almost 2½ years. Based on the said technical sanction, a work order was issued on 14.11.2025 and as per the time schedule mentioned in the work order, the work is to be completed between 21.11.2025 and 20.02.2026. Being aggrieved by the work order, the petitioners submitted representations before the Executive Engineer on 19.12.2025 seeking deferment of the work till April 2026 while stating that if the work order is allowed to be executed, it would adversely affect the agriculturists as it is the mid-crop season.

6. The main submission of learned counsel for the petitioners is that the work order should be deferred till the current crop season is over.





6.1 Before appreciating the said submission, it would be appropriate to take note of another fact, namely, that a bunch of writ petitions led by S.B. Civil Writ Petition No.3204/2016 (Ladu Ram Vs. State & Ors.) came to be filed challenging the resolutions of the meetings dated 11.09.2015 and 20.10.2015, which came to be dismissed vide order dated 04.11.2025.

6.2 Being aggrieved by the said order, an appeal was preferred before the Division Bench being DBSAW No. 38/2026 (Laduram vs. State of Rajasthan & Ors.), which came to be dismissed on 16.01.2026.

6.3 The technical sanction dated 24.07.2023, which is challenged in the present writ petition, is basically the implementation of the decision dated 15.09.2017, which was based on the previous communications.

7. This Court is not inclined to accept the submission with regard to deferment of the work order on account of the ongoing mid-crop season, for the reason that the technical sanction for the said work was issued on 24.07.2023, however, the petitioners did not choose to challenge the same at that point of time.

8. The work order was issued in November 2025, however, even at that point of time, the petitioners did not choose to prefer the writ petition. The present writ petition has been filed on 22.01.2026, when the time schedule of the work is at the fag end and there appears to be no reason or any material on record to indicate that the work has not been commenced. That being so, when the work was to be executed within a period of about three months and two months have already gone by, this Court, at this





stage, is not inclined to grant any indulgence in the present writ petition.

9. Needless to observe that even if some crop is damaged on account of the change in the outlet, the same would undoubtedly be in the larger interest of the farmers.

10. Considering the totality of the facts and circumstances, no case of indulgence is made out. Accordingly, the writ petition is dismissed.

11. All pending application(s), if any, shall also stand disposed of.

(SUNIL BENIWAL),J

Rmathur/-

