

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.14129 of 2015

Date of Decision:-04.08.2015

Shubeg Singh

.....Petitioner.

Versus

Superintending Canal Officer, Ferozepur & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. R.S. Sekhon, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Prayer in the present petition is for quashing of the orders dated 13.3.2015 (**P-2**) passed by Superintending Canal Officer, Ferozepur Canal Circle, Ferozepur as well as order dated 20.11.2013 (**P-1**) passed by the Divisional Canal Officer, Eastern Canal Division.

Learned Counsel for the petitioner has argued that both the Authorities below have wrongly restored the alleged Water Course (*Khal*) although there exists no Water Course (*Khal*) from each side of land bearing Khasra No.160-M Qilla No.7 upto 36 *Karams*.

After hearing learned Counsel for the petitioner and perusing the paper book, this Court is of the considered view that the present petition is devoid of any merit and the same deserves to be dismissed.

Both the Authorities below have gone into the factual aspects of the matter whereby it was found that the appellant had not produced any

evidence of their being no *Khal*. On the other hand, respondent no.3 had produced the copy of the *Warabandi* sanctioned under Section 68 of the Northern India Canal and Drainage Act, 1873. Further perusal of the impugned orders would reveal that it was the petitioner who had demolished the *Khal*. The respondent had been able to prove that he had purchased a land bearing 160-M Qilla No.14 from one Inder Singh son of Behla Singh and land bearing 160-M Qilla No.15/16/25/1 from Arjan Singh son of Labh Singh etc. From the sanctioned *Nakka* as observed by the Authorities, the *Khal* was found to be in existence which was demolished by the petitioner and thereby caused loss to the respondent no.3 namely Balwinder Singh, therefore, the orders passed by the Authorities below do not suffer from any illegality or perversity and thus the same are hereby affirmed.

In view of the above, finding no merit in the present writ petition, the same is hereby dismissed.

**(JASWANT SINGH)
JUDGE**

August 04, 2015
Vinay