

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

CWP No. 26708 of 2014 (O&M)

Date of Decision:-30.04.2015

Ram Kumar and Anr.

.....Petitioners

Versus

State of Punjab and Ors.

.....Respondents.

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Raman Goklaney, Advocate for the petitioners.

JASWANT SINGH, J.(ORAL)

The two co-sharers of Water course for irrigation at Mogha Burji No.16233-R Udian Minor are in writ jurisdiction challenging the order dated 25.11.2013 (P.2) passed by the Divisional Canal Officer, Ferozepur whereby on the application of Hari Chand/respondent No.4, the demolished water course at Point 'C' & 'D' on the western passage of the land of the petitioner, as shown in the site plan was ordered to be restored; further challenge is to the order dated 04.09.2014 (P.1) whereby the appeal of the petitioners against Annexure P-2 was dismissed by the Superintending Canal Officer, Ferozepur.

In the light of the categorical stand of the petitioners, this Court on a previous date had directed the petitioners to place on record a colored site plan indicating the factual position including the entries of 'taking' and 'giving' of *warabandi* for the irrigation of that parcel of land belonging to Hari Chand.

In compliance, the petitioners have placed on record an authenticated site plan (P.15/C).

After hearing learned counsel for the parties and with their able assistance and perusing the site plan (P.15/C) including the entries regarding *warabandi*, it is apparent that the parcel of land belonging to Hari Chand in Rectangle No.75 just above the land of the petitioner, was not allotted/sanctioned for irrigation of that parcel, therefore the concurrent findings recorded by both the Authorities below that the parcel of land of the applicant Hari Chand was being irrigated through the demolished course at point 'C' & 'D' stands substantiated, and therefore the demolished water course was rightly ordered to be restored.

In view of the aforesaid discussion, this Court finds no merit in the present petition.

Dismissed.

**(JASWANT SINGH)
JUDGE**

April 30, 2015
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