

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

CWP No.9414 of 2015

Date of Decision:-13.05.2015

Chamkaur Singh.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Dhirinder Chopra, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Prayer in the present petition is for quashing the orders dated 14.5.2013 (P-7) passed by Divisional Canal Officer, Faridkot and 28.08.2014 (P-8) passed by the Superintendent Canal Officer, Ludhiana whereby Water Course has been ordered to be restored.

Learned Counsel for the petitioner has argued that the order passed by the authorities below are illegal, wrong and liable to be set aside. He argued that the Water Course in dispute never existed at the spot and no such water Course was ever left during consolidation. He further submitted that the Water Course reaches the fields of the private respondent near Killa No.14/2, from where the field of the private respondent is being very well irrigated by the Canal Water. Therefore, prayer was made for setting aside the impugned orders.

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.

A perusal of the impugned order would reveal that the learned SDO, Gholian, Canal Sub Division, Channowal has observed in its impugned order that the petitioner had made a statement that there never exists any water course at that place but he is ready to give the water course on eastern side of 73//M, Killa No.18/2, 23. From this fact, it is evident that if the petitioners are ready to give the water course from their area on eastern side of wat of 73//M, Killa No.18/2, 23, then there existed a water course earlier. It is also evident from the impugned order that the water course committee also made a report regarding demolition of water course arising from the above water outlet. Not only this, the spot was inspected by the official concerned on 9.7.2012, whereby it was found that in order to improve the Canal irrigation of the private respondent, the old water course is required to be restored. There seems to be no infirmity in the orders passed by the Authorities below, which are hereby, affirmed since the orders passed are on the basis of spot inspection as well as the report of the Water Course Committee along with statement of the petitioner himself.

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

(JASWANT SINGH)
JUDGE

May 13, 2015
Vinay