

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

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LPA No.1127 of 2015 (O&M)

Date of Decision: 17.09.2015.

Naib Singh

....Appellant

VERSUS

Superintending Canal Officer and others

....Respondents.

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MRS. JUSTICE SNEH PRASHAR**

Present: Mr. C.M. Munjal, Advocate for the appellant.

HEMANT GUPTA, J. (ORAL)

The present Letters Patent Appeal under Clause X of the Letters Patent is directed against an order passed by learned Single Bench of this Court on 09.02.2015 whereby the writ petition filed by the appellant challenging restoration of the water canal was dismissed.

Learned counsel for the appellant has argued that there is no finding by learned Single Judge that there was any water course in existence which stands demolished. It is only a demolished watercourse which can be restored.

However, a perusal of the order passed by the Single Bench shows that the Canal authorities ordered restoration of the water course after examining Warabandi record. The Zileadar has reported that water course from point C to D has been demolished, therefore, it has to be restored in the interest of better irrigation. Before the Single Bench, the Divisional Canal Officer had appeared and produced the record to show that restoration of the watercourse is necessary as respondents could not get proper irrigation for their fields.

The learned Superintendent Canal Officer in its order Annexure-P4 returned a finding that there is a pipeline at point A to B whereas khal at point B and C is running at the spot whereas Khal at point C to D had been demolished. In view of the fact that the Khal had been proved to be demolished, therefore, the watercourse has been rightly ordered to be restored in terms of the provisions of The Northern India Canal & Drainage Act, 1873.

Thus, we do not find any merit in the present appeal.

Dismissed.

(HEMANT GUPTA)
JUDGE

(SNEH PRASHAR)
JUDGE

17.09.2015
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