

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

LPA No.1369 of 2015

Date of Decision:30.10.2015

Ravinder Kumar

... Petitioner

Versus

Chief Canal Officer and others

... Respondents

**CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mr. Sandeep Singal, Advocate for the petitioners.

1. To be referred to the reporters or not?
2. Whether the judgment should be reported in the digest?

HEMANT GUPTA, J.

The present appeal under Clause X of the Letters Patent is directed against the order passed by the learned Single Judge dated 30.07.2015 whereby the writ petition filed by the appellant challenging the orders of the Authorities under the Haryana Canal and Drainage Act, 1974 (for short “the Act”) was dismissed.

The Chief Canal Officer has found that watercourse AB has been running since many years for the canal irrigation of the land of the respondent but the same was dismantled by the appellant resulting into stoppage of canal irrigation to the land of the respondent. Therefore, the orders passed by the Canal Authorities were not interfered with.

The argument raised by the learned counsel for the appellant is that the watercourse AB is not technically feasible, which aspect has not been examined by any of the authorities.

It is not a case of a new watercourse where technical feasibility is required to be examined but it is case of a restoration of the existing watercourse as the finding returned is that watercourse AB was

running for many years but the same was dismantled by the appellant. Therefore, the finding recorded by the Authorities under the Act cannot be said to be illegal or unwarranted. The learned Single Judge has rightly not interfered with the finding recorded by the Authorities under the Act.

Accordingly, finding no merit in the present appeal, the same is hereby dismissed.

(Hemant Gupta)
Judge

(Deepak Sibal)
Judge

30.10.2015
rajeev