

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

LPA No. 1375 of 2015

DATE OF DECISION : 18.09.2015

Shubeg Singh

.... APPELLANT

Versus

Superintending Canal Officer, Ferozepur Canal Circle, Ferozepur and others  
.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL  
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. R.S. Sekhon, Advocate,  
for the appellant.

\* \* \*

**SATISH KUMAR MITTAL, J.** ( Oral )

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 04.08.2015 passed by the learned Single Judge, dismissing the writ petition (CWP No. 14129 of 2015) filed by the appellant challenging the orders dated 20.11.2013 and 13.03.2015 (Annexures P-1 and P-2) passed by the Divisional Canal Officer and the Superintending Canal Officer, respectively, whereby the water course demolished by the appellant was ordered to be restored under Section 30-FF of the Northern India Canal & Drainage Act, 1873 (hereinafter referred to as 'the Act'). The aforesaid writ petition has been dismissed while observing as under :-

*“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.”*

We have heard learned counsel for the appellant and have gone through the impugned order passed by the learned Single Judge as well as the orders passed by the canal authorities.

In this case, a finding of fact has been recorded that a sanctioned water course was demolished by the appellant. The canal authorities under the Act have jurisdiction to order restoration of the said water course after holding enquiry. The procedure as prescribed in the Act has been followed and after hearing both the parties, restoration of the demolished water course was ordered by the canal authorities. Hence, we do not find any jurisdictional error or any illegality in the orders passed by the

canal authorities, which has been upheld by the learned Single Judge.

Dismissed.

**( SATISH KUMAR MITTAL )  
JUDGE**

**September 18, 2015**  
ndj

**( MAHAVIR S. CHAUHAN )  
JUDGE**