

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

LPA No.670 of 2014 (O&M)

Date of Decision: October 12, 2015

Devi Lal

...Appellant

Versus

Superintending Canal Officer, Bhakra Water
Services Circle, Sirsa and others

....Respondents

**CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL
HON'BLE MR.JUSTICE HARI PAL VERMA**

Present: Mr. P.K. Ganga, Advocate,
for the appellant.

Mr. Sudeep Mahajan, Addl. A.G., Haryana.

Mr. Ajay Kamboj, Advocate,
for respondent No.4.

..

SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 29.01.2014 passed by the learned Single Judge, whereby the writ petition (C.W.P. No.23713 of 2013) filed by the appellant challenging the order dated 22.10.2012 (Annexure P-4) passed by the Divisional Canal Officer, Sirsa as well as the order dated 15.07.2013 (Annexure P-6) passed by the Superintending Canal Officer, Sirsa, has been dismissed.

We have heard the learned counsel for the parties and have gone through the impugned order passed by the learned Single Judge as

well as the orders of the canal authorities and do not find any ground to interfere in the same.

In this case, the appellant filed an application before the Deputy Collector with the prayer that his Khata No.11 has already been partitioned and the Wari of this Khata be fixed as per site after Khata No.14 and then the bharai-jharai be given. The said application was allowed by the Deputy Collector. However, on appeal filed by respondent No.4, the Divisional Canal Officer, Rori after considering the entire issue, set aside the said order of the Collector while observing that the existing Warabandi was going on from the last 50 years and there is no change at the spot. Therefore, no change in the Warabandi is required. As a fact it was found that though a statement was made by the appellant before the Deputy Collector that there is a partition of the land, but in the site-plan Khata No.11 was shown to be owned by one person. The said order of the Divisional Canal Officer was upheld by the Superintending Canal Officer in the revision. Consequently, the appellant filed the writ petition challenging those orders, which was dismissed by the impugned order.

During the course of hearing, learned counsel for the appellant could not controvert the aforesaid factual position. We are of the opinion that the Appellate Authority has considered the entire aspect of the matter and has rejected the application for change of Warabandi filed by the appellant after recording a finding of fact that on the spot and in the site-plan there is no change in the ownership of the land, therefore, no change is required in the Warabandi. The finding of fact has been affirmed by the revisional authority as well as the learned Single Judge.

Learned counsel for the appellant could not point out any grave illegality or jurisdictional error in the orders passed by the Appellate as well as the Revisional Authorities.

No merits. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

October 12, 2015
vkg

(HARI PAL VERMA)
JUDGE