

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

RSA No. 5396 of 2012 (O&M)

Date of decision : 19.5.2015

Prem Singh

... Appellant

VS

Haryana State and others

... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Radhe Shyam Sharma, Advocate, for the appellant.
Mr. Raj Kumar Makkad, Deputy Advocate General, Haryana.
Mr. Sanjiv Gupta, Advocate, for respondent no. 3.

Rajesh Bindal, J.

The plaintiff having failed in both the Courts below has filed the present appeal. The suit was filed by him seeking permanent injunction restraining the respondents/defendants from constructing water course at any other place than the sanctioned one. Both the Courts below did not find any merit in the contentions raised.

In view of the findings recorded by the learned Lower Appellate Court in para 15 of the judgment, in my opinion, no case for interference is made out in the present appeal as from the document, Ex. D2, produced by the defendants it is evident that all the stake holders attended the proceedings before the authority under the Haryana Canal and Drainage Act, and jointly stated that the scheme for lining of the watercourse may be published and with the concurrence of all the co-sharers the watercourse was running in the khasra numbers in dispute, which was allowed to be made *pacca* one. The appellant had also appended his signatures showing his concurrence. The watercourse had been running for quite some time to which no objection was raised.

RSA No. 5396 of 2012

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Punjab & Haryana High Court at
Chandigarh

With this material on record, I do not find that there is any error
in the judgments and decrees of both the Courts below.

No substantial question of law arises.

The appeal is, accordingly, dismissed.

19.5.2015
vs

(Rajesh Bindal)
Judge