

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 21394 of 2017
Date of decision : September 20, 2017

Lilu Ram and another

..... Petitioners

Versus

The Sub Divisional Canal Officer, Baruwali Water Services and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Ashok Verma , Advocate
for the petitioners.

RAKESH KUMAR JAIN, J (oral).

The petitioners have challenged the orders passed by the Sub Divisional Canal Officer, Baruwali Sub Division dated 28.7.2016, Divisional Canal Officer, Nehrana Water Services Division, Sirsa dated 10.11.2016 and order of Superintending Canal Officer, Bhakra Water Services, Sirsa dated 1.12.2016 by which all the authorities have concurrently held for the restoration of dismantled water course ABCD in favour of respondent No.4.

Learned counsel for the petitioners has submitted that the disputed water course was provided on Bhaichara basis otherwise there is another water course in existence left during consolidation. It is submitted that the water course, ordered to be restored is running in a zigzag manner whereas the water course left in consolidation is a straight lined marked with letters AEF.

I have heard learned counsel for the petitioners in detail and perused the record.

The unanimous view of all the aforesaid authorities is

that the water course, dismantled by the petitioners was running for more than a period of 20 years and has come within the definition of permanent water course in terms of Section 2 (15) of The Haryana Canal and Drainage Act, 1974. It is also observed that no cogent ground is found for effecting a change of the water course especially when the dismantled water course i.e. ABCD is a lined water course and warawandi is also sanctioned on the said water course. Thus, in view of the aforesaid concurrent finding of fact recorded by all the Canal authorities, I am of the considered opinion that there is no merit in the present petition and thus, the same is hereby dismissed.

(RAKESH KUMAR JAIN)
JUDGE

September 20, 2017
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No