

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.21626 of 2017

Date of Decision: 21th September, 2017

Harchand Singh

. . . . Petitioner

Vs.

The State of Punjab and others

. . . . Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Siddharth Gupta, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed for seeking direction to respondents No.1 to 6 for restoration of watercourse for field No.235/2-9-12-19/4 along with eastern boundary of Outlet No.6374/R Maluka Minor, Village Kotha Guruka, in terms of the order dated 14.8.2002 passed by the Divisional Canal Officer, Bathinda.

The case set up by the petitioner is that the order dated 14.8.2002 was passed in terms of Section 30FF of the Northern India Canal & Drainage Act No.8 of 1873 [for short 'the Act'] for restoration of the watercourse. Since it was not restored, therefore, the petitioner approached this Court by way of CWP No.2624 of 2005 seeking mandamus. The said writ petition was disposed of on 17.2.2005 by directing respondent No.3 to consider and dispose of the representation of the petitioner in accordance with law by passing a speaking order.

It is contended by counsel for the petitioner that thereafter the representation of the petitioner was decided and watercourse was restored. It is submitted that again the respondents have dismantled the watercourse and therefore, the petitioner had filed application to the DC, Bathinda and SDM, Rampura Phul for the purpose of restoration of watercourse with police help.

Since they have not reacted to his representation, therefore, he has approached this Court by way of this petition.

I have heard learned counsel for the petitioner and after examining the available record, am of the considered opinion that the procedure adopted by the petitioner is not in accordance with law because insofar as the DC and SDM are concerned, they are not the authorities provided under the Act. The petitioner has to approach the canal authorities for restoration of the watercourse in terms of the provisions of the Act, therefore, this petition is dismissed.

21th SEPTEMBER, 2017

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No