

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

LPA No.1756 of 2016 (O&M)

Date of Decision : 15.02.2017

Krishan

....Appellant

Versus

Superintending Canal Officer and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

Present: Mr. Vijay Singh Kajla, Advocate
for the appellant.

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MAHESH GROVER, J. (Oral)

CM No.3587-LPA of 2016

For the reasons stated in the application, delay of 37
days in filing the appeal is condoned.

C.M.stands allowed.

CM No.425-LPA of 2017

C.M.is allowed. Site plan is taken on record.

LPA No.1756 of 2016 (O&M)

This appeal is directed against the judgment of the
learned Single Judge dated 19.05.2016 wherein a categoric
finding was recorded on the basis of material that a watercourse
had been in existence for over 30 years and was dismantled
leading to its restoration which was upheld by the learned Single
Judge.

Learned counsel for the appellant does not dispute the existence of watercourse but with reference to the site plan contends that it was not in existence from point 'C' to 'D'.

We cannot go into this aspect of the matter as these are issues based on facts. Suffice it to say the conceded position of the existence of watercourse for over 30 years and its restoration can hardly be said to be prejudicial to the cause of the appellant having lived with it for three decades, and if he has any, he would be at liberty to pursue his remedy before the authorities.

Appeal dismissed.

(MAHESH GROVER)
JUDGE

15.02.2017
dss

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No