

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

LPA No.176 of 2017 (O&M)

Date of Decision : 20.04.2017

Kashmir Singh

....Appellant

Versus

Superintending Canal Officer and others

....Respondents

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

Present: Mr. Inderjit Sharma, Advocate
for the appellant.

.....

MAHESH GROVER, J. (Oral)

C.M.No.1242-LPA of 2017

C.M. is allowed. Annexures A-1 and A-2 are taken
on record.

C.M.No.362-LPA of 2017

Marginal delay of 9 days in filing the appeal is condoned.

C.M.stands allowed.

C.M.No.363-LPA of 2017

Allowed as prayed for.

LPA No.176 of 2017

This appeal is directed against the judgment of the learned
Single Judge dated 16.12.2016.

The respondents moved an application before the canal
authorities seeking restoration of the watercourse which was allegedly
demolished by the appellant, which prayer was accepted, and
aggrieved against the order of the canal authorities the present

appellant resorted to an ill-conceived remedy of filing a civil suit which lingered on for six long years with an injunction in his favour. Eventually, the civil suit was partially accepted where injunction was granted but the impugned order of the canal authority was not set aside for lack of jurisdiction. The appellant then preferred a Civil Writ Petition against the order of the canal authorities of which he was aggrieved, which has been dismissed by the learned Single Judge primarily on the ground that the arrangement granted by the canal authorities by restoring the demolished water course has been in existence for the last six years and the appellant was unable to point out any prejudice to the arrangement offered by the impugned order of the canal authorities. Besides this, the delay of six years in approaching the court was also adversely commented upon and the explanation offered by the appellant of filing a civil suit against the order of the canal authorities was not appreciated.

Before us learned counsel for the appellant while impugning the order of the learned Single Judge contends likewise but is unable to offer any insight to the prejudice that he suffers if the orders of the canal authorities are executed to restore the demolished water course. Nothing has been shown to us to enable us to conclude about the illegality or perversity of the orders of the canal authorities. The site plan placed on record clearly suggests a demolished water course. If that is so, then all the factors that have been taken into consideration by the learned Single Judge to decline interference would be an equally good reason to decline interference in the

impugned order in the absence of there being any perversity or
illegality in the same.

No ground to interfere.

Dismissed.

(MAHESH GROVER)
JUDGE

20.04.2017
dss

(SHEKHER DHAWAN)
JUDGE

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