

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

**LPA No.707 of 2017 (O&M)**

**Date of Decision : 04.08.2017**

Prahlad Ram

....Appellant

Versus

Superintending Canal Officer and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER  
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. R.S.Randhawa, Advocate  
for the appellant.

**MAHESH GROVER, J.** (Oral)

**CM-1484-LPA-2017**

Marginal delay of 05 days in filing the appeal is  
condoned for the reasons mentioned in the application.

C.M.stands allowed.

**LPA No.707 of 2017 (O&M)**

This appeal is against the judgment of the learned  
Single Judge dated 21.03.2017. The learned Single Judge with  
reference to the site plan on record and also on the basis of the  
report of Sub-Divisional Canal Officer, who had inspected the  
site, concluded existence of a water course, which was  
demolished at some point of time, and ordered its restoration. The  
appellant is aggrieved by the said finding and before us on the  
previous date of hearing an argument was raised that the finding  
qua existence of a water course since 1979 is erroneous. The site

plan has been placed on record by way of C.M.No.3024-LPA of 2017 which shows the existence of a 'Khal' though it has been recorded as 'Kacha Khal' in the year 1979. This falsifies the plea of the appellant that there was no water course in existence at all . Over a period of time since 1979 things surely must have undergone a change and we have no reason to doubt the report of the Sub-Divisional Canal Officer who had submitted that there existed a watercourse which was demolished. We have also perused the site plan which has been placed on record indicating a water course in the land of the appellant. A perusal thereof does not reveal any prejudice to the appellant. Rather his entire land is served with the water course so restored by the canal authorities. Apart from this, unless some gross perversity is sown in the approach of the learned Single Judge, we would decline interference.

We, however, give liberty to the appellant to approach the authorities for adequate compensation in case it is concluded by them that some land of the appellant is affected adversely.

Appeal dismissed.

(MAHESH GROVER)  
JUDGE

04.08.2017  
dss

(RAJ SHEKHAR ATTRI)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |