

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

LPA No.952 of 2017 (O&M)

Date of Decision : 28.08.2017

Najar Singh

....Appellant

Versus

The Sub Divisional Canal Officer and others

....Respondents

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

Present: Mr.Ashok Verma, Advocate
for the appellant.

...

MAHESH GROVER, J. (Oral)

The appellant has directed the present appeal against the judgment of the learned Single Judge dated 17.05.2017.

The issue pertains to a dispute under the Haryana Canal and Drainage Act, 1974. We have seen the site plan on record which reflects that the appellant is having a very small holding and he had dismantled the watercourse from which the field of respondent No.4-Amarjit Singh was being irrigated. The appellant does not dispute the dismantling of the water course as is borne out from the statement which has been placed on record. He contends that during the consolidation the sanctioned watercourse had come within the pathway and that the respondent No.4 cannot have two sources of water. We find that the plea of the appellant is misplaced. Once he concedes the existence of a

watercourse and its dismantling, the order of restoration is perfectly correct. The site plan also indicates that it is in the interest of irrigation. Since the canal authorities have virtually endorsed this after seeing the site, we are of the opinion that it would not be justified to substitute our opinion particularly when an appraisal of the site plan does not show any perversity in the approach of the authorities.

No ground to interfere.

Dismissed.

(MAHESH GROVER)
JUDGE

28.08.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

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