

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
109

CWP-14528-2018

Date of decision:18.12.2018

DULLA SINGH

...PETITIONER

V/S

SUPERINTENDENT CANAL OFFICER, LUDHIANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Harkaran Singh, Advocate,
for Mr. Brijeshwar Singh Bhalla, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the order dated 24.05.2017 (Annexure P-2) passed by the Canal Division Officer, Sidhwan Canal Division, Ludhiana and the order dated 14.12.2017 passed by the Superintendent Canal Officer, Sirhind Canal Circle, Ludhiana, whereby the Superintendent Canal Officer, Sirhind Canal Circle, Ludhiana, has dismissed the appeal preferred by the petitioner against the order of the Canal Division Officer, Sidhwan Canal Division, Ludhiana restoring the demolished water course, as prayed for respondents No. 3 to 6.

It is the contention of the learned counsel for the petitioner with reference to the resolution of the Gram Panchayat, Village Bhekha, Block Moga-2, District Moga (Annexure P-1) that the private respondents have forcibly dug up a *khaal*, which is alleged to have been finally demolished by the petitioner. He contends that there was no such *khaal* in existence and since the same has forcibly been carved out by the private respondents and

that too, in the land of the petitioner, the private respondents have no right to get it restored. The canal authorities have not appreciated these facts and have wrongly granted the benefit to the private respondents No. 3 to 6. He, thus, contends that the impugned orders deserve to be set aside.

I have considered the submissions made by the learned counsel for the petitioner and with his assistance, have gone through the impugned orders.

Firstly, the resolution of the Gram Panchayat, which is placed on record as Annexure P-1, has no date and in any case, the finding, as has been recorded by the canal authorities, is based upon the record, wherein they have specifically found that there was a *pakka* water course from point A to B as per the canal maps of Village Bhekha. The water course from point B to C was a *kacha* water course and about 48 karam of water course has been demolished from point C to D i.e. 31M 5/2 and 30M 1/1 and 1/2. Remaining *kacha* water course is in existence from point D to E which ends up at village pond. These facts having been established to be correct apart from the receipts regarding the amount deposited by the private respondents for using the water from the canal, the findings, as recorded by the Courts below, cannot be faulted with.

In view of the above, finding no merit in the present writ petition, the same stands dismissed.

December 18, 2018
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No