

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

**CWP No.25282 of 2017 (O&M)
Date of Decision:28.09.2018**

Jaswinder Singh ...Petitioner
Versus
The State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. Tajinder Pal Singh Makkar, Advocate
for the petitioner.

G.S. SANDHAWALIA, J. (ORAL)

CM-13439-CI-2018

Application under Section 151 of CPC for placing on record copy of vernacular of demarcation report dated 21.05.2017 (already annexed as Annexure P-3) is allowed subject to all just exceptions. The same is taken on record. Office to tag the same at appropriate place.

CM stands disposed of.

CWP No.25282 of 2017

The present writ petition has been filed under Articles 226/227 of the Constitution of India challenging the order dated 15.03.2017 (Annexure P-4) passed by the Divisional Canal Officer, Bathinda Canal Division, Bathinda whereby he was directed to repair the pucca khal running at outlet RD88246/R (88720/R) Teona Rajbaha, village Mehna. The challenge has also been raised to the order dated 01.06.2017 (Annexure P-5) passed by respondent No.2 whereby the appeal filed by the petitioner had been dismissed.

A perusal of the said orders would go on to show that respondent No.4 had filed an application on the basis of which

investigation was done by the Illaqa Zildar. Accordingly, recommendation had been made to restore the watercourse of the said applicant. Sub Divisional Officer visited the spot on 07.02.2017 and also recommended for restoration of the demolished watercourse. It was noticed that 15 karams had been demolished by Sukhmander Singh who is father of the petitioner along with his both sons. It was recorded that watercourse was a pucca watercourse running on the spot which has been demolished. Resultantly, directions were issued to get the pucca watercourse restored and make it functional, by the Divisional Canal Officer. Thus, a factual finding has been recorded by the authorities below that demolition had been done by the petitioner and his family. It is not disputed that even Sukhmander Singh has filed CWP No.10344 of 2018 wherein his grouse was that 11 marlas of land has been acquired for the watercourse for which he has not been compensated and which is in existence since 1981.

In such circumstances, the orders passed by the authorities below do not suffer from any infirmity as the authorities have come to the conclusion that there was a running watercourse for the last 30 years which was demolished at the cost of private respondents who are now aggrieved and restoration as such had been ordered in the facts and circumstances for the purpose of better irrigation.

Accordingly, in view of the above discussion, finding no merit in the present case, the same is dismissed in limine.

28.09.2018
pvd

(G.S. SANDHAWALIA)
JUDGE

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