

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

LPA No.1123 of 2018(O&M)

Date of decision: 21.08.2018

Rakesh Kumar

... Appellant

Versus

Superintending Canal Officer, Ferozepur and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Kunal Siag, Advocate for the appellant.

KRISHNA MURARI, C.J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed by the appellant-petitioner challenging the judgment of the learned Single Judge dated 03.07.2018 dismissing his writ petition challenging the orders passed by the subordinate authorities restoring a temporary water-course.

An application was made before the Superintending Canal Officer, Ferozepur (respondent herein) alleging that a temporary water-course has been demolished. The authority after looking into the reports of Illaqa Zildar and Sub Divisional Officer as also verifying the map on record, restored the temporary water-course. An appeal was preferred by the appellant-petitioner before the Superintending Canal Officer, Ferozepur, which was also dismissed. Aggrieved by this, he approached this Court. Before the learned Single Judge, the case set up by the appellant-petitioner was that the water-course did not exist at the spot, which has been ordered to

be restored. Learned Single Judge finding that two authorities after looking into the record as well as the report have recorded the finding of fact that the temporary water-course did exist at the spot, which has ultimately been ordered to be restored, did not interfere with the matter. In our considered opinion, the issue being raised stands already concluded by the findings recorded by two fact finding authorities which are based on material evidence and the reports and, thus, there is no illegality reflected from the order passed by the learned Single Judge requiring interference by us in the matter.

The appeal being devoid of merit accordingly stands dismissed.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

21.08.2018
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO